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ABSTRACT

Three newsletters are combined together as one document. The first newsletter contains a lesson on judicial and executive powers, with questions and relevant concepts. The lesson is based on the case study of conflict: United States v Nixon. The second provides a classroom strategy on crime and its prevention. A teaching strategy on the topic of juvenile deliquency is presented in the third. The "Focus on Law" newsletter is published three times yearly by the Center for Law-Related Education. The center is committed to the development of a comprehensive program of Law-related education and began publication of this newsletter to help provide teachers with the knowledge, skills, and materials requisite to teaching about law and the legal systems in their classrooms. Typical issues contain teaching strategies and information about recent court decisions, careers in law-related fields, and center activities and programs, in keeping with the center's purpose of disseminating information about law-related education throughout the community. (Author/DB)

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FOCUS ON LAW

NEWSLETTER OF THE CENTER FOR LAW-RELATED EDUCATION

Volume One, Number One

CLASSROOM STRATEGIES

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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'You Sampsons Could Both Stand a Little Trimming and Styling'

Buffalo Evening News, p. 44, October 10, 1974.

Discussion Questions:

—Who are the main characters in the above cartoon?

—What appears about to happen? Why?

—Do you agree or disagree with the Court's actions? Why?

SP 009 029

Judicial And Executive Powers: A Case Study Of Conflict.[1]

In the spring of 1974, Richard M. Nixon, then President of the United States, was issued a subpoena, an order by a court to produce witnesses or documents for use as evidence in a trial, by the United States District Court in Washington, D.C. The subpoena directed him to produce certain tape recordings, memoranda, papers, and transcripts that related to his conversations with his aides and advisors while he was performing his presidential duties.

A special prosecutor had asked the District Court to issue the subpoena. This special prosecutor had been appointed by the Attorney General to investigate and prosecute, on behalf of the United States, any crimes that occurred as a result of the conduct of certain members of the Republican party during the 1972 Presidential election. The prosecutor stated that he needed the subpoenaed materials for a criminal prosecution with respect to these offenses.

The District Court subpoena precisely identified the dates of these tapes and documents which had been obtained from the White House daily logs and appointment records. Claiming executive privilege, President Nixon refused to produce these tapes and documents. He said that he had a privilege to refuse because of the office he held. Also, he felt he must refuse because he had a duty to preserve the confidentiality of the communications of the President.

More specifically, the President claimed this privilege with respect to the requested tapes and documents for two reasons: 1) There is a valid need for protection of communications between high government officials and those who advise and assist them in performing their duties; and 2) The doctrine of separation of powers makes the executive branch independent within its own sphere

(Continued on Page 3)

1. **U.S. v Nixon, Nixon v. U.S.**, 42 *United States Law Week*, p. 5237 (decided July 24, 1974).

FOCUS ON LAW

Newsletter of the CENTER FOR LAW-RELATED EDUCATION

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The Board of Directors and staff of the Center for Law-Related Education wish to express their sincere appreciation to the Cincinnati-Hamilton County Criminal Justice Regional Planning Unit, the University of Cincinnati, and the Cincinnati Bar Association for their financial support of the Center's Programs.

The views and ideas contained in this publication should not be construed to be necessarily those of the Center's funding agencies.

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INTRODUCING "FOCUS ON LAW"

This newsletter is the first issue of "Focus on Law" which will be published three times yearly, fall, winter, and spring. It will be distributed to Cincinnati-Hamilton County teachers and administrators free-of-charge by the Center for Law-Related Education.

The Center, located at the University of Cincinnati's College of Education, is committed to the development of a comprehensive program of law-related education throughout Hamilton County. In response to the need to help reduce misunderstanding, skepticism, and ambivalence concerning the law, law enforcement and the administration of justice now evident in our society, the Center, through extensive teacher-training, curriculum development, law resource personnel, and information programs, is helping to provide teachers with the knowledge, skills, and materials requisite to teaching about the law and the legal system in their classrooms.

With "Focus on Law" the Center seeks to further its objectives by disseminating information about law-related education throughout the community. Its purpose is to keep teachers well-informed and up-to-date on recent developments regarding the law and legal system with respect to law studies education. This newsletter will contain teaching strategies and information about recent court decisions, careers in law-related fields, and Center activities and programs.

The Center's program, and this newsletter, represent the effect of the combined efforts of the University of Cincinnati's Colleges of Law and Education, the Cincinnati-Hamilton County Public and Parochial Schools, Cincinnati's Police Division and Bar Association, and the Cincinnati-Hamilton County Criminal Justice Regional Planning Unit.

Those wishing to receive this publication may either contact the Center for Law-Related Education, 635 Pharmacy, University of Cincinnati, Cincinnati, Ohio, 45221, 475-3982, to have their names placed on the mailing list or return the completed form on the back page of this newsletter to the Center.

A Case Study Of Conflict:

U.S. v Nixon (cont.)

and insulates the President from a judicial subpoena that requires him to produce these confidential materials in court.

The special prosecutor and the President went to the Supreme Court in order to resolve this disagreement. The Court was confronted with two questions:

1) Whether the separation of powers doctrine prohibits the judicial branch from reviewing a President's claim of executive privilege; and
2) Whether executive privilege prevents materials from being subpoenaed from a President by the courts.

In a unanimous opinion, written by Chief Justice Burger, the Supreme Court stated that each branch of Government, in the performance of its assigned constitutional duties, must initially interpret the Constitution to determine these duties and what they entail. It is the duty of the judicial branch to say what the law is. Since the Constitution is the Supreme Law of the land, the Supreme Court is the ultimate interpreter of the Constitution. This interpretive power includes deciding whether the action of another branch of government has exceeded its constitutional authority. The judiciary gets this power from Article III, §1 of the Constitution. Article III, §1 states: "The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." The Supreme Court said further that the power to interpret the law cannot be shared with th other two branches of Government because of the basic conception of separation of powers and its necessary checks and balances. This power is similar to the President's veto power which cannot be shared with the judiciary. Therefore, it is exclusively within the Supreme Court's power to say what the law is with respect to the President's claim of executive privilege.

In regard to the President's claim of executive privilege, the Court, on the one hand said that the President's need for confidentiality with respect to the performance of his duties was unquestioned. The need for complete candor and objectivity from presidential advisors calls for great respect from the courts. Should the President or his advisors feel that their observations and thoughts would be made public, their concern for appearances and their own interests would be detrimental to the decision-making process. Presidental expectations about the confidentiality of correspondence and conversations, like the claim of confidentiality of judicial deliberations, is protected just as is the right to privacy of all citizens. Further the protection of the public interest in candid, objective and even blunt or harsh opinions in presidential decision-making necessitates privilege in order for the government to function properly.

On the other hand, the Supreme Court said that the courts have a right to every man's evidence except when it is protected by the Constitution or by statutory privilege. Privilege is granted to a person not to be made to testify against himself and to certain confidential relationships such as those of an attorney and his client or a doctor and his patient. These exceptions are not treated lightly, since the search for truth is paramount in achieving justice. it is essential that all relevant evidence be produced if a man is to have a fair trail.

The Court reasoned that if the President were allowed to invoke absolute, unqualified privilege in this case, it would impede the primary constitutional duty of the judicial branch to do justice in criminal prosecutions under Article III. The criminal justice system is based on an historic commitment to the rule of law that "guilt shall not escape or innocence suffer." These ends are defeated if judgments are made on a partial or speculative presentation of facts. To ensure justice it is imperative to the function of the courts that people can be compelled to comply with requests for evidence needed by either the prosecution or the defense.

The Court noted that while the President has a legitimate interest in keeping records of his conversations confidential, the special prosecutor also has a legitimate need for some of this material in order to effectively prosecute a criminal case. It is therefore necessary to balance the President's general privilege against a fair administration of criminal justice.

The Court felt that the absolute privilege claimed by the President was too broad in this case. Absolute privilege would probably be granted to the executive branch with respect to military, diplomatic, or sensitive national security secrets. Confidentiality with respect to matters outside these areas, however, would not be diminished by an *in camera* (by a judge in his chambers) in-

spection of presidential tapes and documents.

Since a President will only infrequently be required to disclose confidential materials for a criminal trial, it is unlikely that this possibility will have a significant effect on the executive decisionmaking process. However, a privilege to withhold evidence which is relevant to a criminal trial would gravely impair the basic function of the courts in guaranteeing every man a fair trial.

Therefore, when the ground for asserting executive privilege as to subpoenaed materials sought for use in a criminal trial is based only on a general interest in confidentiality, and is not related to military or diplomatic secrets, it cannot prevail over the fundamental demands of due process of law in the fair administration of criminal justice.

QUESTIONS —

Related to Understanding the Case:

— What is a subpoena?

— What did the special prosecutor want to get from the President by asking the District Court to issue a subpoena. Why?

— What purpose does a subpoena serve in the administration of criminal justice?

— What did the President claim that he was privileged to do because of his office? Why?

— Why do you think a President needs confidentiality with respect to performance of his duties?

— What were the problems that the Supreme Court was deciding in this case?

— If there is a separation of powers between the judicial, executive, and legislative branches, what gives the judicial branch the power to decide if another branch has exercised its powers correctly?

— What two powers in different branches of government conflict with one another in this case?

— What areas of executive decisionmaking does the Court feel are absolutely privileged? Why do you think it is important that these areas be protected?

— What factors does the Court consider in deciding which power shall take precedence in this case?

Centering on a Discussion of Judicial and Executive Powers:

— Article II of the Constitution sets out the powers delegated to the executive branch of government, specifically the President of the United States. In considering these powers, do you see anywhere an explicit reference to a privilege of confidentiality? Do you find anything that implies such a privilege?

— The Supreme Court in *U.S. v. Nixon* talks about a "right to have every man's evidence." Do you think this is a right set out in the Constitution? Where do you think it might come from? Would it be in Article III?

Pertaining to the Right to "Privacy":

Powers granted to the three branches of government by the Constitution are not always expressly delegated. Often they may be implied. The Supreme Court feels that the President's privilege of confidentiality is constitutionally based to the extent that it relates to the effective discharge of presidential powers. Also, all citizens of the United States have "the right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

— Do you feel the prosecutor's request was unreasonable?

— Do you think the President should have the same right to privacy as all citizens? A greater right? Why or why not?

Involving the Concept of "Fair Trial":

The Supreme Court also feels that the right to production of all evidence in a criminal trial has constitutional dimensions. They feel this right is implied by the Sixth Amendment which says every defendant has the right to be confronted with witnesses against him, which requires being able to compel witnesses to appear; and, by the Fifth Amendment which says that no person shall be deprived of liberty without due process of law, which requires the courts, in upholding this guarantee, to ensure that all relevant evidence be produced for a trial.

— When constitutionally based powers conflict, as in this case, do you think that specific rights would prevail over general rights as they did in *Nixon*? Why or why not?

— Does it appear, from the Court's analysis of the implied powers in *Nixon*, that the articles and amendments should be read separately? As a whole?

— What do you think the Court would have decided if the case occured before the Amendments were enacted? Does the reasoning make sense without basing the powers on the Constitution?

Considering the Concepts of Separation of Powers and Checks and Balances:

The separation of powers doctrine means that all legislative powers are vested in Congress, the executive power is vested in the President, and all judicial powers are vested in the Courts. Congress makes the laws, the President carries them out, and the Courts enforce them. The President, in *Nixon,* claimed that the Courts had no power to say how he performed his executive duties because of the separation of powers.

— Is this case really about the separation of powers or does it deal more with the checks and balances that the three branches of government impose on each other? Why?

— Do you think it is better for the person who is carrying out the law to decide what the law is or for the person who is in charge of enforcing it? Why?

— What checks are provided on the judicial system's interpretation of laws in general? What checks the Supreme Court if it acts outside its authority?

The Court stated that in designing the structure of our government and dividing and allocating the powers among three coequal branches, the Framers of the Constitution tried to provide a comprehensive system but did not intend the branches to operate with absolute independence.

— Do you think it is wise to have three different branches of government to make, carry out and enforce the laws? Wouldn't it be simpler if only one branch did all three? Why do you think the people who wrote the Constitution divided these powers up? Is *Nixon* a good example?

The newsletter welcomes comments and submission of teaching strategies by teachers, but assumes no responsibility for unsolicited manuscripts. Unaccepted manuscripts will be returned if accompanied by a stamped, self-addressed envelope.

CENTER NEWS

A Law Personnel Resource Program: Lawyers, Policemen and Corrections Officials in the Classroom

David T. Naylor, Director.

In late fall, 1973, the Center for Law-Related Education first announced that over 200 attorneys, police officers, and corrections officials had volunteered to participate in the Center's Law Personnel Resource Program. More specifically, these individuals had indicated their willingness to:

- Consult with social studies teachers regarding a particular legal question or topic that was being taught in the classroom;
- Visit the classrooms of teachers and discuss particular legal questions or problems with students; and
- Assist teachers in arranging and conducting field trips to various legal institutions.

This service was offered to area secondary school teachers and administrators in general and to the 1973-74 participants in the Center's teacher-training programs in particular.

During the 1973-74 school year, the Center was able to fill some seventy-seven requests by area teachers and administrators. The resource personnel and teachers who participated in the Center's program are listed below:

October, 1973

Mr. Philip Pitzer, Attorney-at-Law, spoke on the topic of "Assault and Battery" at Sycamore High School.

Patrolman Roland Harrison, Cincinnati Police Division, addressed a class on the subject of law enforcement at Princeton High School.

Mr. Scott Crooks, Attorney-at-Law, made a presentation on "The Law Profession" at Princeton High School.

Officer Handy Matthews, Cincinnati Police Division, talked to a class at Hughes High School about "Policing a Community."

Mr. William Stearns, Attorney-at-Law, addressed the teachers at Eastern Hills Junior High School. His topic was "Due Process and Schools."

November, 1973

Mr. Philip Muldoon, Deputy Director, Hamilton County Municipal Court Probation Division, spoke on the topic of "America's System of Corrections" at Aiken High School.

Mr. Samuel Edge, Deputy Director, Hamilton County Court Probation Division, and Mr. Alan McGrory, Student, Criminal Justice Dept. - College of Community Services, University of Cincinnati, visited Princeton High School classes and spoke on the subject of "Corrections."

December, 1973

Mr. Myron Rudd, Attorney-at-Law, and Mr. Melvin Kessel, Attorney-at-Law, addressed different classes at Seton High School on the topic "Local Courts."

Mr. James Looker, Attorney-at-Law, met with the City-Wide Learning classes at Hughes High School to discuss "Rights of the Individual."

January, 1974

Mr. Philip Muldoon, Deputy Director of the Hamilton County Municipal Court Probation Division, spoke to Mr. Kenneth Barlag's class at LaSalle High School on the topic of "Legal Process in Corrections."

Specialist Gabe Mulligan of the Cincinnati Police Division visited the classes of Mr. Ronald Hacker at Princeton High School and spoke on the topic of "Narcotics and the Law."

Mr. David Wade Peck, Attorney-at-Law, spoke at a Woodward High School program for teachers on the subject "Due Process for Students."

Mr. Peter Rebold, Attorney-at-Law, talked with the students in the classes of Mr. Jule Fey at Western Hills High School about their legal rights and responsibilities.

Mr. Timothy Hickey, Attorney-at-Law, visited the classes of Mr. Edwin Napier at Wyoming High School and talked on the topic of "Juvenile Court."

Officer Handy Matthews of the Cincinnati Police Division addressed the special education classes of Mr. Ward Ghory at Hughes High School on the topic "The Police in a Modern Society."

Mr. Samuel Edge of the Hamilton County Municipal Court's Corrections Department talked with the classes of Mr. Joe Voegele at Aiken on the subject of "Corrections."

Mr. Alan McGrory, a student in the University of Cincinnati's Criminal Justice Department, also addressed the classes of Mr. Joe Voegele at Aiken on the subject of "Corrections."

Mr. Terry Tranter, Attorney-at-Law, visited the classes of Mr. Ronald Hacker at Princeton High School and discussed with them the topic "The Legal Profession."

Mr. Peter Pandilidis, Attorney-at-Law, spoke to the classes of Mr. Robert Mierenfeld at Sycamore High on the subject "The Ohio Revised Criminal Code."

Mr. Charles Pratt, Attorney-at-Law, visited Regina High School and met with the classes of Sister Barbara Brown to discuss "Criminal Law."

February, 1974

Officer Handy Matthews returned to the classes of Mr. Ward Ghory at Hughes to continue their discussion of the "Men in Blue."

Mr. Alan McGrory spoke to classes at both Regina High School and Walnut Hills High on the subject of "Parole."

Mr. Philip Muldoon also addressed Sister Barbara Brown's classes at Regina High School on the subject of "Corrections."

Mr. Kenneth Heuck, Attorney-at-Law, visited the classes of Mr. Al Riesenberg at Sycamore High School and spoke on the topic "Teenagers and the Law."

Mr. Robert Rack, Attorney-at-Law, spoke to the classes of Mrs. Ellen Fettner at Dater Junior High School on "Juvenile Rights and Responsibilities."

Mr. William Singer, Attorney-at-Law, addressed the classes of Mr. Al Riesenberg at Sycamore High School on "The Law of Torts."

Mr. H. Brunner Dickmann, Mr. Edwin Price, and Mr. Jerry Sawyer, Attorneys-at-Law, spoke to the classes of Mr. Jule Fey at Western Hills on the topic "Law Related to Youth."

March, 1974

Mr. Donald Montfort, Attorney-at-Law, visited Sycamore High School and discussed "Criminal Law" with the classes of Mr. Al Riesenberg.

Mr. Harold Wagner, Attorney-at-Law, visited the classes of Mr. Lloyd Brown at Mt. Healthy High School.

Mr. Donald Schenck, Attorney-at-Law, discussed with the classes of Ms. Marsha Hunley of Oak Hills High School the subject of "Consumer Protection Laws."

Ms. Bea Larsen, Attorney-at-Law, spoke to the classes of Mr. Mel Brown at Princeton High School on the topic "Courtroom Procedures."

Mr. Charles Pratt, Attorney-at-Law, discussed with students in the classes of Mr. Lloyd Brown at Mt. Healthy High School the topic of "Criminal Law."

Mr. Robert Schwartz, Attorney-at-Law, talked to the classes of Mr. Ronald Hacker at Princeton High School about "Criminal Law."

Mr. Schwartz also visited the classes of Ms. Marlene Cole of Lockland High School and spoke on the topic of "Contracts."

Mr. Charles Heyd, Attorney-at-Law, addressed the classes of Mr. Robert Wagner at Wyoming High School on the subject of "Courts and Procedures."

April, 1974

Mr. Arthur Schuh, Attorney-at-Law, discussed with students in the classes of Ms. Janet Hochscheid of Mt. Healthy High School the topic "Consumer Protection."

Mr. D. N. Bodley, Attorney-at-Law, visited the classes of Mr. Al Riesenberg at Sycamore High School and discussed with them the subject of "Legal Assistance."

Mr. John Dressing, Attorney-at-Law, talked to the classes of Mr. Robert Wagner of Wyoming High School about "Criminal Law."

Mr. Charles Pratt, Attorney-at-Law, visited the classes of Mr. Robert Mierenfeld of Sycamore High School to talk on the subject of "Courtroom Procedures."

Mr. Louis Gilligan also visited the classes of Mr. Robert Mierenfeld at Sycamore High School and spoke on "Courtroom Procedures."

Mr. W. Smith Hammelrath, Attorney-at-Law, spoke to the classes of Robert Wagner at Wyoming High School.

Patrolman Ronald Kissinger of the Cincinnati Police Division spoke to the classes of Scott Aultman at Immaculate Heart of Mary on "Law Enforcement and Drug Abuse."

Specialist Gabe Mulligan also spoke to Mr. Aultman's classes.

Mr. Terry Tranter, Attorney-at-Law, addressed the classes of Mr. Lloyd Brown of Mt. Healthy High School on the topic "Courtroom Practices and Procedures."

Mr. W. Andrew Patton and Mr. Donald Weber, Attorneys-at-Law, participated in a career day program at Withrow High School under the direction of Paul Callahan. They spoke on "Law as a Profession."

Mr. James Lee, Mr. Thomas Geygan, and Mr. Warren Lowe, Attorneys-at-Law, spoke to the classes of Mr. Kenneth Sandall at Oak Hills High School on the topic "Criminal Law."

Mr. Philip Muldoon discussed "Corrections" with Mr. Sandall's classes.

Sgt. Hoftbauer of the Hamilton County Sheriff's Department also spoke to Mr. Sandall's classes on the subject of "Community Law Enforcement."

Mr. Donald Montfort, Attorney-at-Law, addressed the classes of Ms. Jean Havrilla at the St. Gabriel School on the subject of "Job Opportunities in the Field of Law."

Mr. Herbert Bass, Attorney-at-Law, spoke to Mr. Sandall's classes on the topic "Constitutional Law."

May, 1974

Mr. Ronald Stern, Attorney-at-Law, visited the classes of Mr. Kenneth Sandall of Oak Hills High School and spoke on the subject "Criminal Law vs. Civil Law."

Mr. James Looker, Attorney-at-Law, spoke to the classes of Mr. Jule Fey of Western Hills High School on the subject of "The Rights of the Individual."

Mr. Roy Short, Mr. James Adams, and Mr. Philip Muldoon participated in a law program at Oak Hills High School.

Mr. Richard Valleau, Attorney-at-Law, addressed the classes of Mr. Lloyd Brown at Mt. Healthy High School on the subject of "Contracts."

Mr. Matthew MacLeid, Attorney-at-Law, talked to the classes of Mr. Ward Ghory at Hughes High School on "Presidential Impeachment."

Mr. Bart Anson, Lt. Houston, and Mr. Douglas Mansfield participated in a special student program on the "Future of the Criminal Justice System" at Milford High School.

Mr. Samuel Edge of the Hamilton County Court's Corrections Department spoke to the classes of Mr. Robert Wagner at Wyoming High School on the subject of "Adult Corrections."

Sgt. Hulgin of the Hamilton County Sheriff's Dept. spoke to a group of students at White Oaks High School on the topic of "Law Enforcement."

Mr. David E. Miller, Attorney-at-Law, spoke to Mr. Lloyd Brown's classes at Mt. Healthy High School on the subject of "Corrections."

Mr. Daniel Bolsinger, Attorney-at-Law, discussed with the classes of Mr. Roger Blust of Dater Jr. High the topic of "Juvenile Law."

Mr. Stuart Schloss, Attorney-at-Law, participated in a special program on law arranged by Mr. Ralph Shell, Principal of Mt. Healthy South Junior High School.

June, 1974

Mr. Spencer Hurst, Attorney-at-Law, visited the classes of Mr. Ward Ghory at Hughes High School and spoke on the topic of "Drug Rehabilitation."

Mr. Peter Rebolt, Attorney-at-Law, addressed Mr. Roger Blust's students at Dater Junior High School on the topic "Teenagers' Rights and Responsibilities."

The Center's Board of Directors and staff wish to express their sincere thanks to the lawyers, police officers, corrections officials, and teachers who participated in the Center's 1973-74 Law Personnel Resource Program. From all indications, these visitations both helped add a new dimension to instruction about the law and criminal justice system and resulted in productive learning experiences for all those involved in the Program.

The Center is now prepared to offer this service to all Cincinnati and Hamilton County elementary and secondary school educators during the 1974-75 school year. A teacher or a school administrator may make use of the Center's Resource Program by following these procedures outlined below.

Classroom Visitation-Field Trip Services:

- Call the Center at 475-3982 - 8:00 a.m. - 5:00 p.m. weekdays.
- State the kind of service you would like and the area of law in which you are involved.
- The Center's staff, whenever possible, will attempt to complete the program arrangements within three days of your request.
- Please plan at least *two* to *three* weeks prior to the date you would like the program to be conducted.

The areas of expertise or interests of the Center's Resource Personnel include the following:

Consumer Law
Contracts
Corrections Programs
First Amendment Freedoms
Law as a Career
Laws Involving Minors
Landlord-Tenant Relations
Criminal Law and Due Process
Law Enforcement/Police
Student Rights/Responsibilities
Legal Assistance
Nature of Law/Philosophy
Property
The Courts/Trial Procedure
Torts

RECENT SUPREME COURT DECISIONS

Justice: Rights of an Indigent

***Fuller v. Oregon*, 42 U.S.L.W. 4770 (May, 1974)**

Fuller, a defendant in a criminal case in Oregon, pleaded guilty to a charge of sodomy in the third degree. During the court proceedings he was represented by a member of the local bar. This attorney was appointed by the court because Fuller stated that he was indigent and unable to hire a lawyer. This lawyer hired an investigator to gather facts for Fuller's defense, and the State also paid the investigator's fees. Fuller was placed on five years of probation which was conditioned upon satisfactorily complying with the requirements of a work release program which permitted him to attend college. His probation was also conditioned upon reimbursing the State for the fees and expenses of the attorney and the investigator.

Oregon has a statute which requires convicted defendants who are indigent at the time of criminal proceedings against them but who subsequently acquire the financial means to do so to repay the costs of their legal defense. Fuller appealed the court's order on the basis that it was unconstitutional for the State to condition his probation on the repayment of these expenses.

Mr. Justice Stewart delivered the opinion of the majority of the Supreme Court. The Court held that the Oregon statute did not violate the Equal Protection clause of the Fourteenth Amendment for two reasons: 1) Repayment is not mandatory since the defendant may show that his repayment of his legal defense costs will impose manifest hardship, in which case he will not have to pay; and 2) The Oregon legislature acted reasonably in deciding not to force a defendant to repay the costs of his own defense when he is found innocent of criminal charges against him. The Court also stated that there is no infrigement on a defendant's right to counsel, since the knowledge that he may ultimately have to repay the costs of his legal services does not affect his ability to get these services.

Privacy: Search and Seizure

***U.S. v. Robinson*, 410 U.S. 982 (1972)**

Robinson was driving his car at about eleven p.m. in Washington, D.C. when a police officer signaled him to stop. The policeman had stopped Robinson four days earlier in a "spot check." Because he had noticed a discrepancy between the dates on his operator's permit and social security card, the officer checked in the police files. He now had reason to believe that Robinson was driving after his license had been revoked and that he had obtained his permit by misrepresentation. Robinson, however, argued that he was only stopped because the policeman knew he had a narcotics record.

Robinson was arrested for the misdemeanor of driving without a valid license, and he was fully searched in accordance with police department instructions concerning arrest. When the policeman felt an object in Robinson's left breast pocket, he removed it. This object was a crumpled up cigarette package. When the officer looked inside it, he found capsules filled with white powder which was later analyzed as heroin. Robinson was convicted for possession of heroin on the basis of this evidence.

In a six-to-three decision by Mr. Justice Rehnquist, the Supreme Court held that this search did not violate limits imposed by the Fifth Amendment on searches and seizures. It stated that a full search incident to a lawful arrest was an exception to the Fourth Amendment requirement of a search warrant. The Court said that where an officer was arresting a person for a good reason, called probable cause, he was entitled to make a full search. It said that an arrest was different from a stop and frisk situation which was based on less than probable cause.

Mr. Justice Marshall wrote the dissenting opinion. He pointed out that the reason for a search was to disarm the suspect and to preserve evidence. The officer stated that he had not thought the cigarette package was a weapon when he felt it. Justice Marshall also stated that there was no reason to search for evidence in an arrest for a traffic violation. He felt that under the majority opinion a traffic arrest could now be used as a pretext to conduct a search. He stated that a judicial officer, not a policeman, should decide when the Fourth Amendment right to privacy must yield to an officer's right to search. A search to protect the officer's safety was all right, but it should go no further. The removal of the package exceeded the scope of a lawful search to protect an officer incident to an arrest of a traffic violator.

Liberty: Freedom of Expression

***Miami Herald Publishing Co. v. Tornillo*, 42 U.S.L.W. 5098 (June, 1974)**

Pat Tornillo, a candidate for Florida's House of Representatives, was criticized by editorials in the *Miami Herald*. In response, he demanded that the newspaper print his replies in which he wanted to defend himself. When the newspaper refused, he brought an action in court to compel them to print his answers. He did this because of a Florida "right of reply" statute. This statute provided that if a candidate for election had his personal character or official record criticized by any newspaper, the candidate had the right to demand that the newspaper print, free of cost, any reply the candidate might make to the newspaper's charges. The reply must appear in as conspicuous a place and in the same kind of type as the charge. Failure to comply with the statute was a first degree misdemeanor.

The newspaper's defense to the action brought by Tornillo was that this statute was unconstitutional. The *Miami Herald* said that it infringed on the guarantees of a free press under the First and Fourteenth Amendments to the Constitution.

The Supreme Court, in an opinion by Mr. Chief Justice Burger, decided that Florida's statute did violate the First Amendment's guarantee of freedom of the press. The Court said that it was not constitutional for a government to tell a newspaper to publish something it did not want to. The Court stated that the statute operated as a command by a State in the same way that a statute would which forbidded a newspaper from publishing certain articles. Further, the statute imposed a penalty for what was contained in a newspaper by imposing additional printing, composing, and materials costs and by taking up space that could be devoted to other material the newspaper may have preferred to print. Finally, even if the newspaper would not face extra costs because of the statute, the statute, was unconstitutional because it interfered with the editors' choices of what material goes into a newspaper and with their decisions on the size and content of the paper and on their treatment of public issues and officials.

Liberty: Freedom of the Press

***Spence v. Washington*, 42 U.S.L.W. 5148 (June, 1974)**

Mr. Spence, a student at the University of Washington in Seattle, displayed a U.S. flag, which he owned, outside the window of his apartment. The flag was hung upside down and had large peace symbols made of removable tape attached to both sides. Two policemen, upon observing this flag, arrested Spence, who came with them peacefully. At his trial Spence testified that the peace symbol on the flag was a protest to the invasion of Cambodia and the killings at Kent State which had occured a few days prior to his arrest. He said that his purpose was to associate the American flag with peace and not with violence, and that he had used tape so as not to damage the flag. Spence was convicted under a Washington statute forbidding the exhibition of a U.S. flag to which is attached or superimposed figures, symbols, or other extraneous material. Spence appealed his conviction on the grounds that the statute interfered with his First Amendment right to freedom of expression.

The Supreme Court decided that this statute was unconstitutional as applied to Spence's activity. They found that the important factors were that the flag was privately owned, that it was displayed on private property, and that there was no risk of a breach of the peace and no purpose to incite to violence or arouse a public demonstration. The Court stated that because of the nature of Spence's activity, and the factual context and environment in which it was undertaken, Spence had engaged in a form of speech which was protected by the Constitution. His intent had been to convey a message, likely to be understood, through the use of symbols. It further said that, although the State was concerned about protecting the sensibilities of people who might have been passing by at the time the flag was displayed, it is firmly settled under the Constitution that public expression of ideas may not be prohibited merely because the ideas may be offensive to some of their hearers -- in this case some of their viewers.

Equality: Racial Discrimination

***Gilmore v. City of Montgomery, Alabama,* 42 U.S.L.W. 4920 (June, 1974)**

A group of black citizens of Montgomery, Alabama, brought a suit against the city. They complained that the city was permitting racially segregated schools and other segregated private groups and clubs to use city parks and recreational facilities. The city had tried to avoid integration of its facilities by 1) having a private, local YMCA present segregated recreational programs; 2) by closing all public swimming pools; and 3) by not maintaining facilities in black neighborhoods equally with those in white neighborhoods. The city had previously been ordered by the courts to integrate its schools.

Mr. Justice Blackmun, speaking for the Supreme Court, stated that the Equal Protection clause of the Fourteenth Amendment prohibited state action of every kind that operated to deny any citizen the equal protection of the laws. He found that the city's policy of allowing its facilities to be exclusively and completely in the possession, control and use of a private group created islands of segregation and deprived citizens of equal access to the parks and recreational facilities. He stated that the city had a constitutional duty to eliminate every custom, practice, policy or usage which reflected any aspect of the thoroughly discredited "separate but equal" doctrine.

The Court found that the city had tried to circumvent the courts' school desegregation orders by allowing private groups to use public facilities. It further stated that city officials are responsible for seeing that no actions on their part would significantly impede the progress of school desegregation in the city. Children have a constitutional right not to be discriminated against. Therefore a State may not operate racially segregated schools nor give aid to institutions that practice racial or other discrimination either openly or evasively. Neither may a city permit exclusive access by segregated private schools and groups affiliated with such schools to public recreational facilities.

Equality: Educational Discrimination

***Lau v. Nichols,* 42 U.S.L.W. 4165 (January, 1974)**

There were 1,800 schoolchildren of Chinese ancestry in the San Francisco school system who did not speak English and who received no supplemental courses in English from the public schools. These students brought a suit against the officials responsible for the operation of the San Francisco school district on the basis that, as a result of their inability to understand English coupled with a lack of special instruction, they were being denied equal educational opportunities.

Under the California Education Code, English was specified as the basic language of instruction in the public schools. Though bilingual instruction was authorized, it was a state policy to insure mastery of English by all pupils. Education was compulsory from ages six through sixteen, and no pupil was allowed to graduate without proficiency in the English language.

The Supreme Court, in a unanimous opinion by Mr. Justice Douglas, said that under the state-imposed standards there was no equality in merely providing the students of Chinese ancestry with facilities and books, and that their attendance in school was meaningless unless they understood the English language. The Court stated that discrimination includes discrimination in the availability or use of any academic or other facilities of a school, or when lack of availability of a school's academic facilities has that effect. The Court found that the failure of the San Francisco school system to provide English language instruction to these students who did not speak English denied them a meaningful opportunity to participate in the public educational program and violated the 1964 Civil Rights Act which prohibits discrimination based "on the ground of race, color or national origin" in "any program or activity receiving federal financial assistance." The Court held that the school system had an affirmative duty to help national-origin minority group children to effectively participate by taking immediate steps to correct their language deficiency.

RESOURCE MATERIALS

The Crime

16 mm color film, approx. 15 min.

The Young Lawyers' Section of the Cincinnati Bar Association have recently produced a film entitled *The Crime*. Filmed in Cincinnati with actual members of the Cincinnati law enforcement and criminal justice system in leading roles, *The Crime* deals with the workings of the criminal justice system from the time of an arrest through the sentencing procedure.

In this film dramatization, an indigent is arrested for selling narcotics. The police take him to headquarters and fingerprint him. Since he has no money for a lawyer or for bail, he must spend the night in jail. The audience watches as he goes through the processes of arraignment, pre-trial hearing, and indictment by the county grand jury.

Because he is an indigent, the man is appointed an attorney by the court to handle his defense. His attorney attempts to plea bargain for him, so that while he may plead guilty to possession of narcotics, he will not be prosecuted for selling them, which carries a heavier sentence.

A jury is selected and his case is tried. After hearing the witnesses and seeing the evidence, the jury returns a verdict. At a later date the man returns to court to be sentenced by the judge.

This drama of modern courtroom procedure is an excellent tool for the teacher engaged in law studies education. In addition to presenting students with an overview of the criminal justice system and how it works, the film also includes the incisive comments of F. Lee Bailey, famous trial attorney, placed strategically throughout the film regarding exactly what is happening.

Besides presenting a vehicle through which students may learn about criminal procedure and due process, *The Crime* has several other advantages. Because of the varied aspects of a trial that it presents, the film may serve as a good springboard for a more in-depth treatment of individual aspects of criminal procedure such as jury selection, plea bargaining, trial, sentencing, and incarceration. And, because of its setting and personnel, it should have special interest for Cincinnati-Hamilton County teachers and students.

The Crime can be obtained for classroom showing free-of-charge by contacting Ms. Mary Lou Marks, Cincinnati Bar Association, 26 E. 6th Street, Cincinnati, Ohio, 45202, 381-8213.

If you would like to receive **FOCUS ON LAW** free-of-charge, please complete the following and return it to the Center.

Name: _____

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Address: _____

Legal Specialty or Subjects Taught: _____

FOCUS ON LAW

NEWSLETTER OF THE CENTER FOR LAW-RELATED EDUCATION

Volume One, Number Two

CENTER NEWS

Center to Offer Five Spring Courses

The Center for Law-Related Education is pleased to announce its schedule of classes for the spring term for Cincinnati-Hamilton County social studies teachers and administrators. Each course will meet from 7:00 to 9:50 p.m. for a period of eleven weeks. Each participant will receive *free tuition, texts,* and *curriculum materials.* and, upon successful completion of the course, three (3) quarter hour graduate credits from the University of Cincinnati's College of Education. Details with respect to the five course offerings are as follows:

SECONDARY

Law and the Community

In cooperation with Mt. Healthy School System, the Center will offer a course entitled "Law and the Community." Enrollment is open to thirty (30) secondary school social studies teachers and administrators from the Mt. Healthy schools, Cincinnati public schools and surrounding school districts.

"Law and the Community" will combine the use of guest speakers and panel presentations with demonstration lessons and field trip experiences to explore such topics as:

—Local Legal Materials
—The Nature of Law
—The Revised Ohio Criminal Code: An Analysis
—The Community and Its Police
—Cincinnati: A Microcosm of the State and Federal Judiciaries
—Local Legal Assistance: Where? When? How?
—Corrections: Outside our Prisons' Walls
—Landlord-Tenant Relations
—Consumer Rights and Liabilities
—Law and the Schools

This course will meet at Mt. Healthy North Junior High School each Tuesday evening beginning on March 4 and ending May 13.

(continued on page 3)

CLASSROOM STRATEGIES

Toward a Study of Crime

A subject of great concern to Americans and relevant to social studies education is the topic of crime and its prevention. The exercises which follow have been written to demonstrate the variety of classroom springboards and teaching techniques that may be used by a secondary or elementary school instructor to promote student analysis and class discussion of the subject of crime and to propose a number of questions that might be considered in a study of this topic.

Under no circumstances are these exercises to be viewed as a comprehensive treatment of the subject. Rather, each individual lesson is designed to introduce a particular area of study and consequently to be heavily supplemented with other textual materials and information. Additional lessons on the topic of crime are available in a unit written and distributed free-of-charge by the Center for Law-Related Education entitled **Crime in America.**

PRIMARILY FOR SECONDARY STUDENTS

I. Using a Classroom Poll: Introductory Exercise
Indicate whether you think each of the following statements is true (T) or false (F) by circling your choice.

T	F	1. Crime in suburban communities continues to decline.
T	F	2. Young people (under 25) commit the fewest number of serious crimes.
T	F	3. A white person is more likely to be the victim of a non-white criminal than a white one.
T	F	4. In crimes involving violence, the victim generally does not know the criminal.
T	F	5. Many victims of a crime fail to report the incident to the police.
T	F	6. More non-whites than whites are arrested for committing crimes.
T	F	7. The motive for committing most serious crimes is economic.

(continued on page 5)

FOCUS ON LAW

Newsletter of the CENTER FOR LAW-RELATED EDUCATION

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The Board of Directors and staff of the Center for Law-Related Education wish to express their sincere appreciation to the Cincinnati-Hamilton County Criminal Justice Regional Planning Unit, the University of Cincinnati, and the Cincinnati Bar Association for their financial support of the Center's Programs.

The views and ideas contained in this publication should not be construed to be necessarily those of the Center's funding agencies.

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INTRODUCING

"FOCUS ON LAW"

This is the second issue of "Focus on Law" which is published three times yearly, fall, winter, and spring. It is distributed to Cincinnati-Hamilton County teachers and administrators free-of-charge by the Center for Law-Related Education.

The Center, located at the University of Cincinnati's College of Education, is committed to the development of a comprehensive program of law-related education throughout Hamilton County. In response to the need to help reduce misunderstanding, skepticism, and ambivalence concerning the law, law enforcement and the administration of justice now evident in our society, the Center, through extensive teacher-training, curriculum development, law resource personnel, and information programs, is helping to provide teachers with the knowledge, skills, and materials requisite to teaching about the law and the legal system in their classrooms.

With "Focus on Law" the Center seeks to further its objectives by disseminating information about law-related education throughout the community. Its purpose is to keep teachers well-informed and up-to-date on recent developments regarding the law and legal system with respect to law studies education. This newsletter will contain teaching strategies and information about recent court decisions, careers in law-related fields, and Center activities and programs.

The Center's program, and this newsletter, represent the effect of the combined efforts of the University of Cincinnati's Colleges of Law and Education, the Cincinnati-Hamilton County Public and Parochial Schools, Cincinnati Police Division and Bar Association, and the Cincinnati-Hamilton County Criminal Justice Regional Planning Unit.

Those wishing to receive this publication may either contact the Center for Law-Related Education, 635 Pharmacy, University of Cincinnati, Cincinnati, Ohio, 45221, 475-3982, to have their names placed on the mailing list or return the completed form on the back page of this newsletter to the Center.

Center to Offer Five Spring Courses

(continued)

Applications for admission into the course may be obtained by telephoning or writing:

Mr. Walter Peters (729-0262)
Supervisor of Secondary Education
Mt. Healthy High School
2046 Adams Road
Cincinnati, Ohio 45231

Applications for admission will be accepted no later than Friday, February 21, 1975. Applicants will be notified of their status by February 27, 1975.

The Community and Its Police

In cooperation with the Oak Hills School District, the Center will offer a course entitled "The Community and Its Police." Enrollment is open to thirty (30) secondary school social studies teachers and administrators from the Oak Hills Schools, Cincinnati Public Schools, and surrounding school districts.

An often misunderstood and frequently controversial component of the criminal justice system is examined in this course of study through the use of guest speakers, role playing, demonstration lessons, and field experiences. The subjects that will be treated in this course include:

—Recruiting and Training a City Police Officer
—Anatomy of an Urban Police Department
—The Plight of the Patrolman
—Police Power and Authority: A Survey
—Police Arrest and the Rights of the Individual
—Police Searches, Seizures and the Law
—Policing the Police: Current Practices and Proposals
—Innovative Police Programs

This course will meet at Oak Hills High School each Tuesday evening beginning on March 11 and ending May 20.

Applications for admission into the course may be obtained by telephoning or writing:

Mr. Art Del Conte
Oak Hills High School
3200 Ebenezer Road
Cincinnati, Ohio 45211
922-2300

Applications for admission will be accepted no later than Friday, February 28, 1975. Applicants will be notified of their status by March 5, 1975.

Youth and the Law

In cooperation with the Mariemont City Schools, the Center will offer a course entitled "Youth and the Law." Enrollment is open to thirty (30) secondary school social studies teachers and administrators from the Mariemont City Schools, Cincinnati Public Schools, and surrounding school districts.

In a seminar setting, participants in "Youth and the Law" will have the opportunity to examine the following areas of concern with guest speakers as well as take part in a number of demonstration lessons and field trip experiences. Among the topics to be considered are the following:

—The Legal Minor in Ohio: How does this Individual According to Law Differ from an Adult
—The Juvenile Delinquent: An Analysis
—Getting Busted: What Happens to a Youth?
—Landmark Supreme Court Cases and the Juvenile Offender
—Juvenile Court: Its Goals, Problems, and Future
—Corrections Programs for Juvenile Youth
—Police in Our Schools: A Survey
—Students, Schools and the Constitution: Recent Supreme Court Decisions
—Toward a Student Bill of Rights

This course will meet at Mariemont High School each Monday evening beginning on March 10 and ending May 19.

Applications for admission into the course may be obtained by telephoning or writing:

Mr. Glen Miller
Mariemont Middle School
6750 Wooster Pike
Cincinnati, Ohio 45227

Applications for admission will be accepted no later than Friday, February 28, 1975. Applicants will be notified of their status by March 5, 1975.

ELEMENTARY

Teaching Elementary School Children About the Law

In cooperation with the Cincinnati Public Schools, the Center will offer a course entitled "Teaching Elementary School Children About the Law." Enrollment is open to thirty (30) elementary school teachers and administrators from the Cincinnati Public Schools and surrounding school districts, though preference will be given to educators from the Cincinnati Public Schools.

By combining guest lectures and demonstration lessons, role playing and field experiences, the following questions will be examined:

—What is law? Why do we have laws? How do criminal and civil law differ? What is a good law?
—What is lawful and unlawful conduct? What are "serious" crimes? How do a felony and misdemeanor differ? How serious a problem is crime in America?
—What are the duties of a policeman? How does a policeman enforce his duties? What problems does he face? When does he generally encounter youth?
—What constitutional guarantees exist for the accused? What rights exist prior to arrest? Following indictment? Following conviction?
—How does the law decide what is lawful — unlawful? just — unjust? Why do courts exist? How do they function? Who and what is involved?
—What should be done about unlawful conduct? Should punishment be designed to fit the crime? What punishment does a law provide? What alternative courses of action exist? What is their purpose?
—How does the law define a "minor"? In what way does a minor differ legally from an adult? Why?
—What is a "delinquent" youth? How does the law define "delinquency"? What factors are associated with delinquency?
—How does a juvenile court differ from an adult court? How and why do juvenile courts deal with juveniles in different ways than with adults? What corrections programs exist for delinquent youths?

This course will meet at Woodward High School from 7:00 to 9:50 p.m. beginning on March 12th and ending May 21st.

Applications for admission into the course may be obtained by telephoning or writing:

Ms. Nancy Taber
Center for Law-Related Education
635 Pharmacy Building
University of Cincinnati
Cincinnati, Ohio 45221
475-3982

Applications for admission will be accepted no later than Friday, February 27, 1975. Applicants will be notified of their status by March 3, 1975.

Teaching Constitutional Issues to Elementary School Children

In cooperation with the Catholic Archdiocese of Cincinnati, the Center will offer a course entitled "Teaching Constitutional Issues to Elementary School Children." Enrollment is open to thirty (30) elementary school teachers and administrators from the Archdiocese and other parochial schools.

Utilizing guest speakers, demonstration lessons, role playing and field experiences, the following questions will be explored.

—What is "speech" under the Constitution? When can it be restricted? What guidelines currently exist governing freedom of speech?
—How does speech differ from the written word? How is freedom of the press guaranteed? What is "prior restraint"? When may it be used?
—What is meant by the term "separation of church and state"? In what ways do laws and the courts provide for it? How and why have the schools been important areas of controversy?
—How free are religious groups to disseminate their views? practice their views? In what ways and on what occasions are religious views and practices restricted? How does the law protect the religious from the irreligious? the irreligious from the religious?
—What is meant by the term "privacy"? Do we need privacy? How do the law and the courts help provide for privacy?
—What kind of "property" exist? What kinds of laws involve property? How may society restrict the use of property? How does the law protect property rights?
—How is equality defined by the law? What guarantees exist for "equal treatment" under the law? What gaps continue between the real and ideal?
—What types of laws relate to "promises"? When do promises have legal status? How does the law insure that promises will be fulfilled?
—Do constitutional guarantees apply to students as well as adults? How may the school restrict constitutional guarantees? Why? Should there be a Bill of Rights for students?

This course will meet at Annunciation School from 7:00 to 9:50 p.m. beginning on March 6th and ending May 22nd.

Applications for admission into the course may be obtained by telephoning or writing:

Ms. Nancy Taber
Center for Law-Related Education
635 Pharmacy Building
University of Cincinnati
Cincinnati, Ohio 45221
475-3982

Applications for admission will be accepted no later than Friday, February 21, 1975. Applicants will be notified of their status by February 27, 1975.

Toward a Study of Crime

Using a Classroom Poll (continued)

T F 8. A poor non-white urban slum dweller faces far greater odds than the average citizen that he or she will be the victim of violent crime.
T F 9. Violent crime is mostly a youth crime.
T F 10. For most crimes, men are more likely to be victims than women.

Procedures:

—The results should be compiled for the entire class and recorded on the chalkboard, bulletin board, transparency or mimeo.
—The results may be discussed immediately following the poll and/or referred to as the unit of study on the subject of "crime" progresses.

II. Using a Continuum: Toward a Definition of What is Criminal.*

Which of the following people do you feel are criminals? Why?

Place each of these individuals on the following line or continuum:

MOST LIKELY — MOST LIKELY
NOT CRIMINAL ACTIVITY — CRIMINAL ACTIVITY

A. A man who plays poker for money with his friends every week?
B. An individual who smokes marijuana regularly?
C. A person who always jaywalks?
D. An M.D. who sets up a clinic and performs abortions?
E. A woman who fails to pay her income tax?
F. A man who beats someone up?
G. A youth who takes something that doesn't belong to him?
H. A person who commits suicide?
I. An individual who gets drunk regularly?
J. A gambler who pays taxes to the government?
K. A woman who engages in prostitution?

Questions/Procedures:
Record the results, then ask the class

—What activity did the class feel was most likely criminal?
—What activity did the class feel was least likely to be considered criminal?
—Which of the activities did the class feel least sure of? Why?
—How did the class go about deciding which activities should be considered "criminal" while others should not?

*Lesson developed by Robert Estreicher, Hughes High School.

III. Using an Article to Define Crime: THE MANY FACES OF CRIME[1]

White-collar crime converts billions of dollars annually in tax evasion, price fixing, embezzlement, swindling and consumer fraud.

Organized crime reaps hundreds of millions in gambling, loansharking, drug traffic, extortion and prostitution, corrupting officials and resorting to force, including murder when necessary, to accomplish its purposes.

Crime in the streets, as we have come to call it, encompassing a wide variety of crimes against people and against property — robbery, mugging, burglary, larceny, theft and looting — produces millions of hard-earned dollars for its perpetrators.

Crime of passion, emotion overwhelming reason, includes most murders, rapes and assaults. Conduct once deemed immoral and made criminal — gambling, prostitution, alcohol and drug abuse, profanity, abortion, homosexuality, fornication and obscenity — is a pervasive face of crime accounting for hundreds of thousands of arrests annually.

Violations of regulations designed to protect the public health, safety and convenience — traffic control, building codes, fire ordinances, minimum standards of quality, mandatory safety precautions, misrepresentation — involve highly antisocial conduct in mass society causing hundreds of thousands of deaths each year.

Revolutionary crime and illegal conduct intended to alter institutions impose rioting, mob violence, unlawful confrontation, arson and trespass on a weary society. Terrorist actions — sniping, bombing and ambushing — common in parts of the world, are an ever-increasing risk in America.

Corruption in public office — bribes, payoffs, fixes, conflicts of interest — occurs in every branch of government, legislative, executive, judicial, administrative, and at every level, federal, state and local.

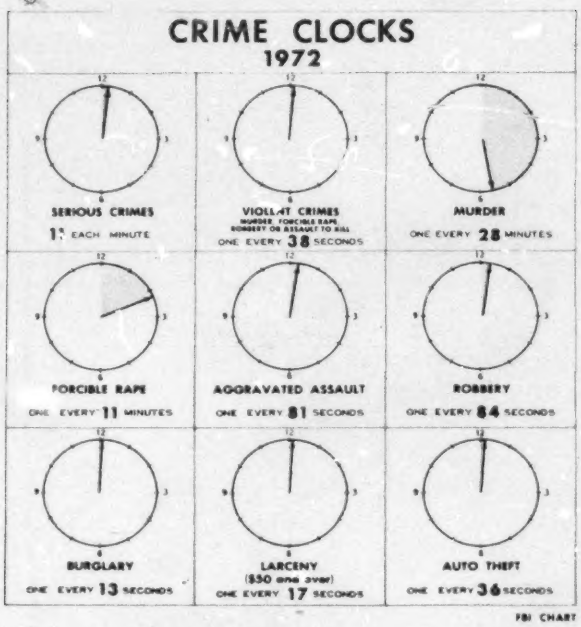
Police crime — wrongful arrest, brutality and blackmail — is not unknown.

Pivotal Discussion Questions:

According to the article, what does the author mean by "crime has many faces"?
Which one of these "faces" is seen most often?
Which type of crime are you most familiar with?
Which do you know least about?

1. ©1970, Ramsey Clark, **Crime in America** reprinted by permission of Simon and Schuster.

IV. Using Charts: The Frequency of Crime.



Pivotal Discussion Questions:

According to the crime clocks, what crime is committed most frequently? — least frequently?
Why do you think this is the case?

For Further Investigation:

—What basis does the FBI use to compile these statistics?
—How accurate are they? Do they over-state or under-state the extent of crime in America? Why or why not?

V. Who Is the Criminal?

A. *Using an Open-Ended Statement.*

Everyone has mental images or feelings regarding the person who is labeled a "criminal." He continually appears and re-appears in newspaper reports, television programs, and the motion pictures. How do you picture the "criminal"? Is the person male or female? rich or poor? black or white? Where does he or she live? etc.

In considering this question, complete the following statement according to how **you** view a "criminal."

WHEN I THINK OF A CRIMINAL, I THINK OF . . .

—Record the results. Try to develop a composite answer for the class.
—Introduce other data and statistics regarding the subject.

1. Look back at Ramsey Clark's "Many Faces of Crime." What type of person is most likely to commit a crime in each separate category. How do these types compare with the class composite?
2. Examine some Hamilton County statistics from 1972: In a recent study of 710 adult offenders in Hamilton County, the following information was obtained:

I.

Sex	Percent of Offenders
Male	97%
Female	3%

II.

Age Group	Percent of Offenders
18 & Under	8%
19 to 22	39%
22 to 30	31%
31 to 40	14%
41 to 50	8%

III.

Marital Status	Percent of Criminals
Single	53%
Married	27%
Separated	10%
Divorced	7%
Unknown	2%

IV.

Educational Achievement	Percent of Offenders
Grade 1 thru 8	28%
Grade 9 thru 12	67%
High School Graduate	4%
Some College	1%
Vocational School	1%

V.

Job Status	Percent of Offenders
Out-of-work, unskilled	79%
Skilled	7%
Para-professional	4%
Professional	6%
Student	4%

Ask the class to evaluate their first responses in light of the new information and to revise their initial answers as necessary.

B. Using an Article: Characteristics of Offenders*.

Consider the following article taken from the 1967 report of the President's Commission on Law Enforcement and Administration of Justice.

There is a common belief that the general population consists of a large group of law-abiding people and a small body of criminals. However, studies have shown that most people, when they are asked, remember having committed offenses for which they might have been sentenced if they had been apprehended. These studies of "self-reported" crime have generally been of juveniles or young adults, mostly college and high school students. They uniformly show that delinquent or criminal acts are committed by people at all levels of society. Most people admit to relatively petty delinquent acts, but many report larcenies, auto thefts, burglaries, and assaults of a more serious nature.

One of the few studies of this type dealing with criminal behavior by adults was of a sample of almost 1,700 persons, most of them from the State of New York. In this study, 1,020 males and 670 females were asked which of 49 offenses they had committed. The list included felonies and misdemeanors, other than traffic offenses, for which they might have been sentenced under the adult criminal code.

Ninety-one percent of the respondents admitted they had committed one or more offenses for which they might have received jail or prison sentences. Thirteen percent of the males admitted to grand larceny, 26 percent to auto theft, and 17 percent to burglary. Sixty-four percent of the males and 27 percent of the females committed at least one felony for which they had not been apprehended. Although some of these offenses may have been reported to the police by the victims and would thus appear in official statistics as "crimes known to the police," these offenders would not show up in official arrest statistics.

Such persons are part of the "hidden" offender group. They evidently at one time or another found themselves in situations that led them to violate the criminal law. However, most people do not persist in committing offenses. For many the risk of arrest and prosecution is deterrence enough, while others develope a stake in a law-abiding way of life in which their youthful "indiscretions" no longer have a place.

What is known today about offenders is confined almost wholly to those who have been arrested, tried, and sentenced. The criminal justice process may be viewed as a large-scale screening system. At each stage it tries to sort out the better risks to return to the general population. The further along in the process that a sample of offenders is selected, the more likely they are to show major social and personal problems.

From arrest records, probation reports, and prison statistics a "portrait" of the offender emerges that progressively highlights the disadvantaged character of his life. The offender at the end of the road in prison is likely to be a member of the lowest social and economic groups in the country, poorly educated and perhaps unemployed, married, reared in a broken home, and to have a prior criminal record.

Discussion Questions:

—What kind of person is most likely to engage in criminal activity according to the new information?
—Why do you think this is so?
—What kind of schooling do the majority of adult offenders included in the survey have?
—How might the amount of schooling a person has help determine whether or not he becomes a criminal?
—What kind of work or non-work did the majority of adult offenders included in the survey indicate they had?
—How might a person's ability to find work contribute to whether or not he engages in criminal activity?
—How might the kind of work an individual is qualified to perform influence whether or not he engages in criminal activity?
—How is the amount of schooling a person receives related to the kind of work he might end up doing?
—On the basis of our examination of the kinds of crime in America, what other reasons might there be for so very few high school and college graduates as well as professionals showing up in the survey of adult offenders? (e.g., status related to white-collar crimes; not emphasized in status; poor detection; greater possibility to avoid prosecution.)
—What does Table III show about the adult offenders who were surveyed?
—Why do you think this is so?
—What might we conclude about the adult offender on the basis of this lesson?

Follow-up Questions:

—What point does this article attempt to make about the nature of the criminal offender?
—What effect would these views, if correct, have upon one's understanding of the concept or idea of "crime"?
  —definition of crime, criminals
  —reporting of crime
  —causes of crime
  —effects of crime

*from **The Challenge of Crime in a Free Society**, 1967, pp. 43-44.

VI. Using Tables to Encourage Analysis of the Problem of Crime and Youth.

Total Arrests, of Persons under 15, Under 18, Under 21, and Under 25 Years of Age, 1972.*

CRIME	PERCENTAGE OF TOTAL CRIME COMMITTED IN U.S.			
	Under 15	Under 18	Under 21	Under 25
Criminal homicide:				
(a) Murder and nonnegligent manslaughter	1.5	10.9	24.6	43.7
(b) Manslaughter by negligence	1.1	9.4	26.1	46.8
Forcible rape	4.2	19.8	40.0	62.6
Robbery	10.4	31.9	54.0	75.9
Aggravated assault	5.8	17.5	30.3	47.3
Burglary—breaking or entering	21.7	51.0	69.8	83.3
Larceny—theft	24.4	49.7	65.2	77.2
Auto theft	13.7	53.6	71.5	83.8
Violent crime	7.2	22.6	39.3	58.5
Property crime	22.4	50.5	67.2	79.6

According to the above chart, what kinds of crime are young people most likely to commit? — adults? Why do you think this is the case?

*Uniform Crime Reports, 1972.

VII. Using a Rank Order Exercise: Why Do People Become Criminals?

Rank each of the following responses to the question — "Why do people become criminals?" from "most important" to "least important."

Most — Least

Important Reason — Important Reason

1. Failure of police
2. Bad environment
3. No education
4. Laziness
5. Feed dope or alcohol habits
6. For kicks
7. Born bad
8. Feeling of hopelessness
9. No job
10. Greed, easy money
11. Moral breakdown of society
12. Not enough money in home
13. Bad companions

Pivotal Discussion Questions:

—What did the class place as the most important reason? — the least important?
—Why do you suppose the class responded the way it did?
—Compare with other data and information such as the following article by Sydney J. Harris.

"There Is No Single Cause or Solution for Crime" by Sydney J. Harris.*

There is no "cause and effect" in human relations as there is in the world of physical nature. There are only "causes and effects."

Is "dope addiction" the cause of much crime? Not at all: it is the legal system that compels addicts to steal in order to satisfy their expensive need. Where dope is cheap and easy to get, as in the Far East, there are no "addict-related" crimes.

Is "poverty" the cause of much crime? Only in part; there are poor sections of the world that have virtually no crime at all. But poverty in the midst of affluence, slums near high-rises, extravagance next to penury, help create a fertile soil for crime.

Is "genetic inheritance" the cause of much crime? Only in a few instances: it is mostly cultural conditioning that propels people into crime, and the rural areas which have the lowest IQs are usually the most law-abiding.

Is "the prison system" the cause of much crime, as reformers insist? Only in part: the system assuredly makes men worse, but it doesn't bend them in the first place. Reforming prisons may lower the rate of repeaters; it won't necessarily reduce the number of first offenders.

What we call "problems" — especially social problems — are created by "convergent causes," not by a single cause. And this is what most of us refuse to accept, because it is easier to assign the blame to a single cause and concentrate our efforts (or our complaints) on that.

*Reprinted by permission of the Cincinnati Enquirer.

Would kids be better if they had more "old-fashioned discipline"? Well, some would and some wouldn't. In Grandpa's day, it was often the clergyman's son who went wrong; a generation later, it was the psychiatrist's son — who presumably had the least discipline — who went wrong.

Simple, one-valued answers are static: complex, multi-valued answers are dynamic. And human problems are always dynamic, never static. You can't draw a chart, or a table of organization, and make anything work from that, whether a corporation or a marriage; it is the feelings, the tensions, the living relationships of the people within the corporation or the family that make all the difference — the "whys" and not the "what."

VIII. Use of Provocative Statement: Thinking of "Crime" As a Whole Is Futile.

"A skid-row drunk lying in a gutter is a crime. So is the killing of an unfaithful wife. A Cosa Nostra conspiracy to bribe public officials is crime. So is a strong-arm robbery by a 15-year-old boy. The embezzlement of a corporation's funds by an executive is crime. So is the possession of marijuana cigarettes by a student. These crimes can no more be lumped together for purposes of analysis than can measles and schizophrenia, or lung disease, so with crime: if causes are to be understood, if risks are to be evaluated, and if preventive or remedial actions are to be taken, each kind must be looked at separately. Thinking of 'crime' as a whole is futile." (statement from the President's Commission on Law Enforcement and Administration of Justice, 1967)

Pivotal Discussion Questions:

—Do you agree with the President's Commission that thinking of crime as a whole is futile?
—If you agree, how would such a position affect your views concerning the extent and treatment of crime in America?
—If you disagree, indicate why. How would such a position affect your views concerning the extent and treatment of crime in America?
—Is crime in American society as great a threat as some statistics imply? In what ways might such statistics be misleading?
—What kinds of information does one need to know if he is to comprehend and deal with the nature of crime in America?

PRIMARILY FOR

ELEMENTARY SCHOOLCHILDREN

I. Using Quotations: What Is the Law?*

—"Law is a way of living with people."
—"Law is a way of keeping people out of trouble."
—"Law consists of rules that are very helpful to people."
—"Law is the police."

Pivotal Classroom Questions/Procedures:

—Which, if any, of the quotations best describe your feelings regarding the law?
—How would you answer the question — What is law? Why do you feel the way you do? Why do you think that is so?

*Based on a lesson developed by Lois Harper, Cincinnati Public Schools.

II. Using a Hypothetical Case: Why We Have Laws — Listening to Your Parents.*

Andy and Beth were brother and sister. They liked to play together near the lake on their farm, but they were not to go near the water. They did not like this.

One day they had fussed so much that their mother had said at last, "Well, you may wade in the water, but when it touches your knees you must not go out any further."

This sounded so wonderful! They had so much fun and the water felt so good. It felt so good splashing on Andy's knees that he wondered how it would feel if he went in just a little tiny bit more.

Pivotal Classroom Questions:

—Is it going to matter if Andy goes in further?
—If they had fun wading, why couldn't they have more fun going to the middle of the lake?

Activity: Discuss the feelings of the children and parents. Allow the children to point out the dangers and the needs for restrictions.

*Based on a story written by Elizabeth Burik, Summit Country Day.

III. Using a Series of Questions to Stimulate Discussion: One's Right to Property.*

—Do you own anything? If so, what? (Make list on the board)
—Has anyone ever taken any of your belongings or used them without your permission?
—How did you feel when they did it? Did you mind or care?
—Why do you think they did it? Should they have known better? Why?
—Did you ever take or use someone else's property without their permission? When? Why?
—Is there any time when it is right to steal?
—Is it less wrong to steal from a rich man than a poor man? — from a large store rather than a person? — from a stranger rather than from someone you know well?
—How is your right to have your own belongings protected? By whom?
—What other things do you think the law should protect? How? Why?
—What else do you think the law should do for you?

*Lesson based on exercise prepared by Mary Jo White, St. Agnes Elementary.

IV. Using a Story and Open-Ended Statements: Honesty and the Law "Finders Keepers??"

It was a cool Spring day as Tim was walking home from the ball park after practicing. It had started to rain. He liked walking in the rain. He kicked a pebble along in front of him when his foot struck something heavier and soft. He looked down to see what it was. Seeing a brown wallet all splashed with dirt and wet with rain, he was curious enough to find out what was in it. He rushed home, up to his room, taking steps two at a time to be off by himself.

When Tim was all alone, he examined the wallet to see what was in it. He found an identification card plus some others. He also found twenty dollars.

Classroom Procedures:

Have the students complete the following open-ended statements:
—I think Tim should . . . .
—When I lose something, I would hope the person who finds it would . . . .
—Record and discuss the responses of the class.

*Based on a story written by Sallye P. Fields, Oyler Elementary.

V. Using a Classroom Poll: Responsibility and the Law — What Would You Do When You See a Crime?*

Read the story and underline a solution.

1. As you walk past a parked car, you see several kids fooling around with the door handles. One them is trying to force open a window. What would you do?
   A. Mind your own business.
   B. Say nothing to the kids, but call the police.
   C. Help the kids get the car open.

2. While in a department store, you see an adult put several small articles in his pocket. What would you do?
   A. Tell the manager or a clerk and let them handle the problem.
   B. Watch and follow the person and then call the police.
   C. Shoplift too.

3. It is early evening and almost dark. Three teenagers you know are still on the schoolgrounds. They are throwing rocks and kicking balls at the windows of the school. What would you do?
   A. Get out of there and stay out of trouble.
   B. Watch and hope nothing happens.
   C. Call the police and tell them about it.

4. You see Tom, a friend of yours, grab a woman's purse and run with it into his house. What would you do?
   A. Call the police.
   B. Tell Tom you saw him do it, so he'd better cut you in or you'll squeal.
      Tell the woman you saw what happened.

Procedures:

—Ask the students how they would feel if they had been the victim of one of these crimes. What would they have expected another person to do? Why?
—Compare the initial responses of the class to the poll with their answers after they have put themselves in the victim's place. Discuss the differences between the two responses, if any.

*Based on an exercise prepared by Nancy Gill and Larry Walker, Shiel Elementary.

VI. Using a "Let's Suppose" Episode: Proposals to Combat Crime.*

Suppose you woke up today to find out that you had been appointed chief of police. What would you do to improve the enforcement of laws in your community?

Procedures:

—Record responses
—Then ask:
Which of the actions do you feel would be the most likely to be successful? Why?
Have students compare their proposals with some of the projects that are being funded by Cincinnati-Hamilton County Criminal Justice Regional Planning Unit.

*Lesson based on an exercise prepared by Jean Havrilla, St. Gabriel's Elementary.

MOCK JUVENILE COURT SERIES TO BE AIRED

WCPO-TV (Channel 9) has announced plans to present a prime-time television series of mock juvenile court proceedings. Though details were sketchy at press time, present plans call for the series to be aired on Wednesday evenings, 7:30-8:00 p.m., beginning January 29th. Each program is to consist of two actual cases, with the hearing of each case compressed into separate ten minute segments. The role of presiding judge, the Hon. Paul Trevor, will be played by Samuel S. Wilson, Dean of the University of Cincinnati's College of Law.

Since actual juvenile court proceedings are not generally open to the public, this series — still unseen by Center staff as of this writing — promises to be of great interest to both teachers and students. The Center is currently investigating the possibility of securing written transcripts of the dramatized proceedings for use in classroom mock trial procedures. For further information, please contact the Center for Law-Related Education.

LAW AND THE COMMUNITY

Local Planning and Cooperation in the Fight Against Crime

Patrick T. Arthon*

The problem of crime and the prevention of future crime has been and continues to be one of the most pressing concerns in the United States today. As a result of the findings and recommendations of a 1967 Presidential Crime Commission, the Law Enforcement Assistance Administration (LEAA) was established through a bill passed by the United States Congress known as the Omnibus Crime Control and Safe Streets Act of 1968. This Act also provided the LEAA with money to promote and fund the development of national, state, and local programs geared primarily to and aimed almost exclusively at the improvement of law enforcement throughout the United States.

A Change in Emphasis

This concern regarding the problem of crime and its prevention was once again reflected in the actions of the United States Congress in 1970 and 1973. In these years, the provisions of the Omnibus Crime Act of 1968 were extended and amended and LEAA funding continued. However, as a result of the 1970 and 1973 amendments to the original 1968 Act, the emphasis of LEAA funded programs shifted from a strictly law enforcement orientation to cover the entire field of criminal justice. This change was clearly reflected in the distribution of LEAA monies among Cincinnati-Hamilton County law agencies in 1970 and 1971. In 1970, 88% of the LEAA funds were awarded to area police or police-related projects. In 1971, this figure was substantially reduced to 47% with the remaining 53% going to programs involving the courts, corrections, and juvenile delinquency.

In 1973, Congress set out even more specific guidelines regarding how LEAA dollars were to be

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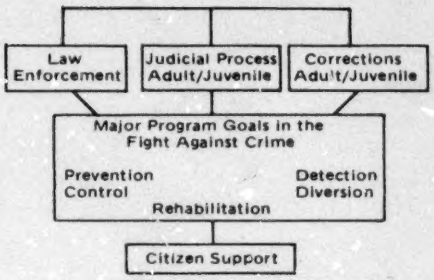
spent in the fight against crime. According to the 1973 amendments to the 1968 Omnibus Crime Act, the LEAA was to spend a minimum of:

—20% of its money on *law enforcement* programs;
—20% on *juvenile delinquency* projects;
—15% on improving *judicial process* in the courts; and
—20% on *corrections* programs.

In addition to establishing specific guidelines for the funding of projects involving all of the various elements in the criminal justice system in the fight against crime, Congress stated that the LEAA and related state and local agencies should provide for citizen participation, coupled with professional input, in determining local and regional priorities as well as specific projects. Also, programs based on the concepts of "prevention" and "diversion" were to be given careful consideration along with those based on the more traditional themes of "detection" and "control" in dealing with crime.

As a result of this change in orientation and in the distribution of LEAA monies, LEAA-sponsored programs now encompass the coordination and interaction of all elements involved in the operation of the criminal justice system — the police, the courts, and corrections as well as community participation. This interaction is diagrammed below:

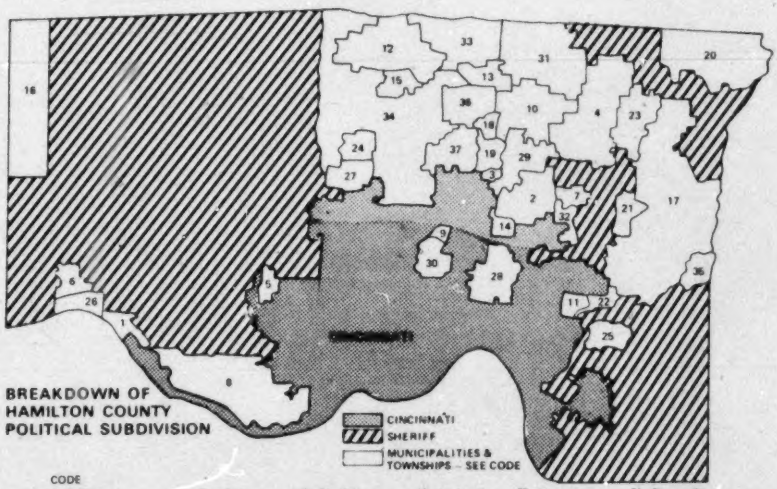
Operation of the Criminal Justice System



On the Local Scene

Those people who live in the Cincinnati-Hamilton County area are members of the State's second largest metropolitan community with 452,524 city residents and a total county population of 923,245. Bordering on the Ohio River in the State's southwestern corner, the county itself covers over 414 square miles, with the City of Cincinnati occupying about 19% or 79 square miles of this area.

Some 1800 officers have been hired to police the area. Sixty percent of this number are employed by the City of Cincinnati, 15% by the County Sheriff's Department, and the remaining 25% by some 39 other departments throughout the county.



Rather than being particularly unique, the Cincinnati-Hamilton County community is faced with many of the same problems regarding crime and the criminal justice system that are being experienced elsewhere throughout the United States by metropolitan areas similar in size. These problems include alarmingly large and rising crime rates, overworked and fragmented law enforcement agencies, over-burdened and over-crowded courts, and antiquated and ineffective correctional institutions.

The Cincinnati-Hamilton County Criminal Justice Regional Planning Unit

In June of 1971, the Council of the City of Cincinnati and the Hamilton County Board of County Commissioners joined together in a cooperative effort to establish the Cincinnati-Hamilton County Criminal Justice Regional Planning Unit. Through this organization, the City of Cincinnati, along with the twelve incorporated townships and thirty-seven municipalities contained in Hamilton County have been able to secure LEAA and state funding for the fight against local crime and the improvement of our local criminal justice system.

The duties and responsibilities of the Cincinnati-Hamilton County Planning Unit are shared by three groups within the organization. These groups are referred to as the Council of Governments, the Supervisory Commission, and the Administrative Staff.

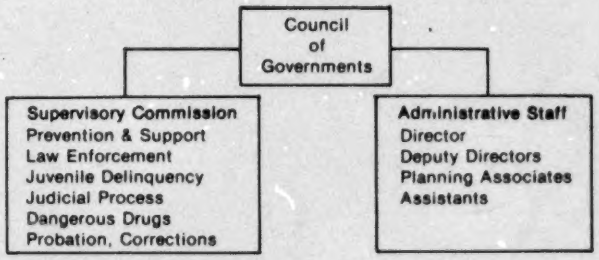
The Council of Governments is made up of six locally-elected government officials. Three are appointed to the Council by the County Board of Commissioners and three by the mayor of Cincinnati. It is the Council's responsibility to oversee the overall operation of the Planning Unit. In addition, the Council is directly responsible for all monies given to the Planning Unit by the LEAA and the State and has direct authority over the local Planning Unit's Administrative Staff.

The Supervisory Commission, in turn, consists of thirteen local representatives from the Criminal Justice System as well as seventeen citizens chosen by the Council of Governments. The Commission has direct responsibility for the planning and selection of the local Unit's activities and programs. In performing this function, each member of the Commission is generally assigned to one of six committees. These committees focus on the following priorities and concerns regarding crime and the criminal justice system within Hamilton County.

—Crime Prevention and Citizen Support
—Law Enforcement
—Juvenile Delinquency and Youth Services
—Judicial Process and the Courts
—Dangerous Drugs and Interstate Criminal Activity
—Probation, Corrections and Rehabilitation

Members of the third group within the local planning unit — the Administrative Staff — are appointed by the Council of Governments. Currently, the staff includes the Executive Director, two Deputy Directors, two Planning Associates, and four Assistants. This staff is responsible for coordinating, controlling, and evaluating programs and projects financed through the local planning unit with LEAA and State monies. The relationship between the three groups with the local Planning Unit is diagrammed below.

Organizational Structure of
the Cincinnati-Hamilton County
Criminal Justice Regional Planning Unit



Purposes and Programs

The intent of the Cincinnati-Hamilton County Regional Planning Unit is not to replace the various criminal justice agencies found within the community — the police, the courts, and correctional institutions. Rather, the primary goal of the organization is to facilitate the operation of these elements of the criminal justice system by establishing a means for reviewing and revising their current policies, procedures, and practices.

All agencies involved in our local criminal justice sytem, either directly or indirectly, are encouraged by the Cincinnati-Hamilton County Planning Unit to develop and submit innovative proposals and plans either for increasing the effectiveness of their own agency's programs as they relate to the fight against crime or for improving the coordination among the various local government units within the system. By selecting the best of these projects to receive funds, the Planning Unit is seeking to reduce crime throughout Hamilton County.

For the 1973-74 fiscal year the Cincinnati-Hamilton County Criminal Justice Regional Planning Unit has funded a variety of programs dealing with areas from coordinated police training to county-wide delinquency prevention programs. More specifically, the Planning Units 1973 Comprehensive Plan for Hamilton County has included the funding of the following major

projects under the six key areas of concern established by LEAA:

Law Enforcement/Police Effectiveness	
•Recruitment and Testing	
—Police Cadet Program	$135,000
—Minority Recruiting Team	70,000
•Training — Cincinnati-Hamilton County Regional Police Training and Education Center	126,000
•Communications — Hamilton County Communications Improvement Program	153,849
•Special Prevention — Regional Enforcement Narcotics Units	120,000
Crime Prevention, Diversion and Community Relations	
•Public Education — Center for Law-Related Education: Secondary-Elementary School Curriculum Development Teacher Training Program	80,000
•Narcotics and Dangerous Drugs — Drug Education Resource Center	10,000
•Alcoholism — Detoxification Program	123,000
Juvenile Delinquency	
•Diagnostic and Referral Services — Youth Service Bureau	132,000
•Prevention — Businessmen for Youth Program	11,404
•Treatment—Glenview-Hillcrest Facilities/Program	45,000
Systems Development	
•Consolidation of Services — Criminal Justice Library	18,750
Judicial Process	
•Court Management — Improvement Program	85,808
•Pre-Trial/Pre-Sentence Investigation — Bail Project	58,031
Corrections/Rehabilitation	
•Training Personnel—Assistant Probation Officers	24,000
•Institutional Treatment of the Offender — Remedial Instruction	15,000
•Community Treatment — Seventh Step Foundation	61,500
—Branch Probation Office	50,000
•Diagnosis — Psychiatric Services	45,890

A Model Program

In its selection of community programs, the Cincinnati-Hamilton County Regional Planning Unit has subscribed to the position that every element of the criminal justice system must be considered and examined in terms of community needs, problems, future goals, and the current crime rate and its ramifications. More specifically, the Planning Unit has sought, through its organizational structure and program selection, to comply with the guidelines established by the United States Congress in the 1970 and 1973 amendments to the 1968 Omnibus Crime Act and to serve as a model for the remainder of the country.

By promoting thoughtful and comprehensive planning, innovative programs, increased cooperation and coordination, and effective evaluation among and/or by local criminal justice agencies, the Cincinnati-Hamilton County Criminal Justice Regional Planning Unit has sought and continues to seek to improve law enforcement, increase citizen support and involvement, establish effective and efficient court-room practices, and develop new and productive corrections programs, thereby reducing crime and its threat for all Hamilton County residents.

For Classroom Use and Discussion:
Key Terms

law enforcement	recommendations
crime prevention	amendment
provisions	orientation
fiscal	juvenile delinquency
judicial process	criminal justice system
corrections	metropolitan community
supervisory	administrative
organizational structure	responsibility
effectiveness	coordination
minority	cadet
curriculum development	detoxification
diagnostic	referral
systems development	institutional treatment
rehabilitation	

Discussion Questions

—Why did Congress establish the Law Enforcement Assistance Administration? What was it supposed to do?
—How did Congress change the operation of the LEAA in 1970 and 1973? Why do you think Congress made these changes? Do you agree or disagree? Why? What kinds of changes, if any, would you like to be made in the LEAA? Why?
—What kinds of problems does the Cincinnati-Hamilton County area face regarding crime? Can you think of any other problems that are not mentioned in the article? Explain.
—What organization was created in Hamilton County in response to these problems? By whom? What is it supposed to do?
—What is the Council of Governments? —the Supervisory Commission? — the Administrative Staff? What is each suposed to do? Why do you think the local planning unit is organized as it is?
—What is the primary goal of the local Regional Planning Unit? What programs has it funded? Do you feel these programs reflect the organization's goals? What do you think about these programs?
—Suppose you were a member of the Council of Governments. What programs would you recommend be funded? Why?
—The local regional planning unit has been described as a model for the rest of the country. How does its organizational structure and program development reflect the guidelines established by Congress? Do you feel it is a good model? Why or why not? What changes, if any, would you make in the organization? Why?

CAREERS IN LAW

The Cincinnati Police Division

*Jerome E. Burke**

The role of the Cincinnati Police Division in today's society involves a number of varied and complex tasks. The police mission as currently defined involves the following six basic functions:

—the prevention of criminality;
—the repression of crime;
—the apprehension of offenders;
—the recovery of property;
—the regulation of non-criminal activity (such as traffic and health codes); and,
—the performance of a series of miscellaneous services (such as search and rescue missions, licensing, supervising elections, etc.).

Succinctly stated, the police mission is primarily concerned with the maintenance of social order within carefully prescribed ethical and constitutional restrictions.

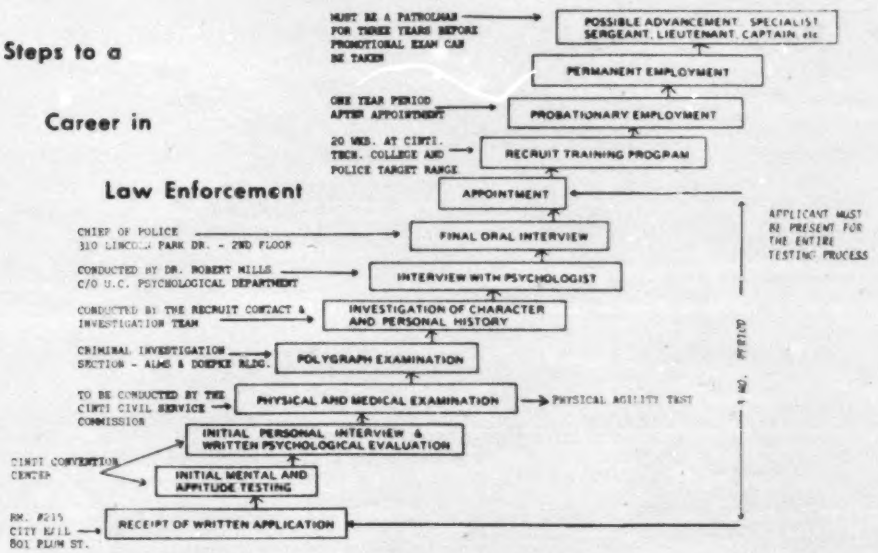
Recruiting qualified personnel to fill the ranks of the Police Division represents no real problem, since a genuine interest in police work has been common and is currently growing in intensity withing our society. As of January 1, 1974, the Cincinnati Police Division had 1,132 duly sworn officers. This number included:

718 Patrolmen	43 Lieutenants
12 Policewomen	18 Captains
211 Specialist/Detectives	6 Lt. Colonels
115 Sergeants	1 Chief of Police

Starting police officers are paid approximately $10,978 annually, receive ten days vacation and thirteen sick days per year and have their medical and hospitilization insurance paid by the City. The City also furnishes all uniforms and equipment.

The steps that an individual must take in order to pursue a career in law enforcement with the Cincinnati Police Division are described in the chart below:

City of Cincinnati - Division of Police


Steps to a
Career in
Law Enforcement
MUST BE A PATROLMAN FOR THREE YEARS BEFORE PROMOTIONAL EXAM CAN BE TAKEN
POSSIBLE ADVANCEMENT SPECIALIST SERGEANT, LIEUTENANT, CAPTAIN etc
PERMANENT EMPLOYMENT
ONE YEAR PERIOD AFTER APPOINTMENT
PROBATIONARY EMPLOYMENT
20 WKS. AT CINTI. TECH. COLLEGE AND POLICE TARGET RANGE
RECRUIT TRAINING PROGRAM
APPOINTMENT
APPLICANT MUST BE PRESENT FOR THE ENTIRE TESTING PROCESS
CHIEF OF POLICE 310 LINCOLN PARK DR. - 2ND FLOOR
FINAL ORAL INTERVIEW
CONDUCTED BY DR. ROBERT MILLS C/O U.C. PSYCHOLOGICAL DEPARTMENT
INTERVIEW WITH PSYCHOLOGIST
CONDUCTED BY THE RECRUIT CONTACT & INVESTIGATION TEAM
INVESTIGATION OF CHARACTER AND PERSONAL HISTORY
CRIMINAL INVESTIGATION SECTION - ALMS & DOEPKE BLDG.
POLYGRAPH EXAMINATION
TO BE CONDUCTED BY THE CINTI CIVIL SERVICE COMMISSION
PHYSICAL AND MEDICAL EXAMINATION
PHYSICAL AGILITY TEST
INITIAL PERSONAL INTERVIEW & WRITTEN PSYCHOLOGICAL EVALUATION
CINTI CONVENTION CENTER
INITIAL MENTAL AND APTITUDE TESTING
RM. #215 CITY HALL 801 PLUM ST.
RECEIPT OF WRITTEN APPLICATION
4 MO. PERIOD

*Jerome E. Burke is a police officer in the Cincinnati Police Division. He is currently a member of the Division's Recruit Contact and Investigative Team.

Moreover, in recent years, the Cincinnati Police Division has increased its efforts in the field of

minority recruiting in an attempt to attract more persons into the profession of law enforcement and into its own department.

Training for recruits takes place at the Cincinnati Regional Police Training Academy and lasts about twenty-two weeks. During this period, the recruits receive a total of 808 hours of instruction in a wide variety of subjects necessary for them to function as competent police officers. This training program currently centers on the following courses of study:

General Courses
- •Background of Law Enforcement
- •Firearms Training
- •Field Situation Problem-Solving
- •Organization of the Cincinnati Police Division and Field Observation
- •Physical Conditioning
- •Rules and Regulations of the Police Division

Criminal Procedure and Investigation Courses
- •Criminal Investigation
- •Juvenile Procedures
- •Vice Control Investigation

Patrol Procedure Courses
- •First Aid
- •Legal Procedures
- •Patrol Tactics
- •Reporting Procedures
- •Riot and Crowd Patrol
- •Testifying in Court

Police-Community Relations Courses
- •Human and Public Relations
- •Disturbed-Distressed Persons

Highway Traffic Control Courses
- •Traffic Accident Investigation
- •Traffic Direction
- •Traffic Law Enforcement

The training of police officers, however, does not end at graduation from the Police Academy. The new officers are assigned to a "patrolman coach" for a minimum of ninety days. A "patrolman coach" is an officer specially selected and trained to assist the new recruits to develop into experienced patrol officers.

Today's officers are constantly called upon to respond to a variety of human experiences, situations, and problems. Consequently, no amount of training could possibly completely prepare an officer for every individual situation he may have to face. It is only by combining common sense, first-hand experience, and a stable personality with what is learned at the academy that an officer is adequateiy prepared for what he is expected to accomplish.

For further information regarding a career with the Cincinnati Police Division, please write or call: Cincinnati Police Division, 310 Lincoln Park Drive, Cincinnati, 45214; 352-3901.

RESOURCES

The Center's Law Personnel Resource Program

For the second consecutive year, the Center has been able to offer its Law Personnel Resource Program to area teachers and administrators. Late in the fall of 1974 the Center once again announced that over 200 judges, attorneys, police officers and corrections officials had indicated their willingness to:

—Visit the classrooms of teachers and discuss particular legal questions or problems with students;

—Assist teachers in arranging and conducting field trips to various legal institutions; and

—Consult with social studies teachers regarding a particular legal question or topic that was being taught in the classroom.

During the first four months of the 1974-75 school year the Center has arranged for thirty-eight (38) speakers to visit individual classrooms, parent and teacher groups, and for more than five hundred-fifty (550) students to visit the Hamilton County Courts, the Federal Courts, and/or the Cincinnati Police Division headquarters. This is a subsantial increase over the number of requests received by the Center for the same time period in 1973.

The Center's Board of Directors and staff wish to express their sincere and continuing appreciation to those judges, lawyers, police officers, corrections officials, ex-convicts, and teachers who have participated so far this year. They are:

September, 1974

In cooperation with the Cincinnati Bar Association, Mr. Edward P. Kreiling, Attorney-at-Law, was the featured speaker before the September 24th Western Hills High School P.T.A. program. Mr. Kreiling spoke on the topic, "Your Rights and Responsibilities as a Citizen."

October, 1974

A visit to the Hamilton County Municipal Court on October 22nd was arranged for the students of Mr. Edward Beck, Milford High School.

On October 23rd, Mr. Martin McMullen, Attorney-at-Law, spoke to the classes of Mr. Ronald Hacker, Princeton High School, on the topic "Criminal Law and Procedure."

On October 24th, Mr. James L. Lee, Attorney-at-Law, discussed with the classes of Mr. Robert Mierenfeld, Sycamore High School, the 4th, 5th and 14th Amendments.

On October 25th, Dr. Naylor, Executive Director of the Center, spoke to approximately twenty-five secondary social studies teachers at a Princeton City School in-service day. His topic was "Dealing with Values in the Social Studies Classroom."

Mr. Edwin Price, Attorney-at-Law, spoke to several classes at Withrow High School on October 28th on the topic "Youth and the Law: Rights and Responsibilities." The program was arranged at the request of Mrs. Bertha Jones.

On October 31st, Mr. Sam Edge, Deputy Director of Probation, made a presentation to the classes of Mr. Ronald Hacker, Princeton High School, on the topic of "Corrections."

November, 1974

An ex-offender, Mr. James (Slim) Liggins spoke before the classes of Mr. Ronald Hacker, Princeton High School, on November 4th on the topic "The Prison System and Its Effects on In-mates."

Approximately 30 students of Mr. Ronald Hacker, Princeton High School, visited the Hamilton County Municipal Court on November 6th through arrangements provided by the Center.

On November 7th, Mr. Eugene J. Utz, Attorney-at-Law, discussed with the classes of Mr. Al Riesenberg, Sycamore High School, the subject of "Courtroom Procedures" in preparation for student participation in a mock trial.

On November 12th, Dr. Naylor, Executive Director of the Center, spoke to a class of undergraduate students at Xavier University on the topic "Conscience and the Law: Towards an Ethic of Dissent."

On November 13th, the students of Ms. Joanne McCain, Finneytown High School, visited the Hamilton County Municipal Court in the morning, and the Federal Court in the afternoon.

On November 14th, Patrolman Roland Harrison and Patrolman Wendall Young of the Cincinnati Police Department spoke to classes of Louis O'Neil, St. Saviour School, on the subject of "The Role of a Policeman."

The Honorable William J. Fellerhoff, Hamilton County Municipal Judge, spoke to the classes of Mr. Robert Mierenfeld, Sycamore High School, on November 14th, on the topic "The Courtroom Drama."

Louis J. Schneider, Jr., Attorney-at-Law, discussed "Citizen Rights Under the Constitution" on November 18th, with the classes Ms. Shelly Wallis, Marian High School.

On November 18th, Ms. Natalie Stason, Associate Professor of Law at the University of Cincinnati College of Law, presented the topic "The Legal Rights and Responsibilities of Teachers" to a group of student teachers at the University of Cincinnati College of Education.

Arrangements were made for Mr. Robert Mierenfeld, Sycamore High School, to visit both the Federal and Municipal Courts with approximately thirty (30) 12th-grade students on November 19th.

Judge Maurice Niehaus spoke to approximately eighty (80) students of Mr. Richard Weis at Withrow High School on the subject of "Duties of a Judge."

On November 19th, Mr. Donald Gardner, Attorney-at-Law, spoke to a sixth-grade class of Mr. Louis O'Neil at St. Saviour School about "The Courtroom Drama."

On November 20th, Ms. Bertha Jones, Withrow High School, visited the Hamilton County Municipal Court with thirty (30) of her students.

On November 21st, Lt. Paul Huffman, Springfield Township Police Department, spoke to approximately ninety (90) sixth-grade students of Ms. Cynthia Land at Frost Elementary School on the topic of "The Policeman as a Law Enforcement Officer."

On November 21st, Honorable William H. Fellerhoff, Hamilton County Municipal Judge, addressed the classes of Mr. Ronald Hacker, Princeton High School, on the subject "Courtroom Procedures: the Role of a Judge."

Ms. Bertha Jones, Withrow High School, visited the Hamilton County Court with thirty (30) of her students on November 21st.

On November 22nd, Mr. Lee J. Hereth, Attorney-at-Law, discussed "Human Rights — Legal and Moral Guarantees" with the classes of Ms. Shelly Wallis, Marian High School.

On November 22nd, sixty-two (62) eighth-grade students in the classes of Sister Charlotte, Our Lady of the Rosary, visited the Hamilton County Municipal Court and the Cincinnati Police Department facilities.

On November 25th, Mr. James (Slim) Liggins, an ex-offender, spoke to the sixth-grade class of Mr. Louis O'Neil, St. Saviour Elementary School, on the topic of "The Prison System and Its Effects on In-mates."

Fifty (50) twelfth-grade students from the Sycamore High School classes of Mr. Robert Mierenfeld visited both the Hamilton County Municipal Court and the Federal Court on November 26th.

On November 26th, Kenneth Heuck, Jr., Attorney-at-Law, spoke to the classes of Ms. Marsha Hunley at Oak Hills High School on the subject "Consumer Rights and Responsibilities." Approximately one hundred twenty (120) students participated in this program.

December, 1974

On December 2nd, Dr. Naylor, Executive Director of the Center, spoke to an eighth-grade class of Mrs. Anna Lindholm at Annunciation School on the topic "Student Rights and Responsibilities."

Mr. James K. Adams, Attorney-at-Law, spoke to ninety (90) sixth-grade students of Ms. Cynthia Land, Frost Elementary School, on the "Courtroom Drama" on December 3rd.

On December 3rd, Patrolman James Thomas of the Cincinnati Police Division participated in a mock arrest and trial with the sixth-grade class of Mrs. Anna Lindholm at Annunciation School.

Mr. James (Slim) Liggins, an ex-offender, spoke to the ninth-grade classes of Mr. Terry Raulin at Mt. Healthy High School on December 4th.

On December 4th, Mr. James Rimedio, Attorney-at-Law, spoke to the classes of Mr. David Thorton at Woodward High School on the topic "Juvenile Rights and Responsibilities."

On December 4th, Mr. Lewis Gatch, Attorney-at-Law, discussed with the classes of Mrs. Anna Lindholm at Annunciation School, the topic "Exploring Law as a Career."

On December 5th, Mr. James (Slim) Liggins, an ex-offender, spoke to the fifth- and sixth-grade classes of Ms. Carol Walker, Pleasant Hill Elementary, on the topic of "The Prison System and Its Effects on In-mates."

On December 6th, the Honorable Peter Outcault made a presentation to the eighth-grade class of Mrs. Anna Lindholm at Annunciation School on the topic, "Courtroom Procedure: Duties of a Judge."

On December 6th, Patrolman Roland Harrison and Patrolman Wendell Young of the Cincinnati Police Division spoke on the topic "Crime", to the classes of Mr. Terry Raulin, Mt. Healthy High School.

On December 6th, William Stearns, Attorney-at-Law, spoke on "Search and Seizure" to approximately seventy-five (75) twelfth-grade students of Janet Fabrycky at Glen Estes High School.

Special Agent Laurence Giuntoli of the Federal Bureau of Investigation, Cincinnati Division, discussed with the classes of Mr. Louis O'Neil, St. Saviour School, December 10th, the topic of "Federal Enforcement."

On December 10th, Mr. Robert Rack, Attorney-at-Law, spoke to the fifth-grade classes of Ms. Elva Kennebruew at Madisonville Elementary on the topic "Juvenile Rights."

On December 10th, Dr. Naylor, Executive Director of the Center, discussed with the fifth- and sixth-grade classes of Ms. Carol Walker, Pleasant Hill Elementary, the subject of "Student Rights and Responsibilities."

On December 10th, Patrolman Roland Harrison and Patrolman Wendell Young of the Cincinnati Police Division spoke to the fourth-grade classes of Mr. Louis O'Neil at St. Saviour School on the topic "Role of a Policeman."

Approximately one hundred (100) eighth grade students of Ms. Diane Knopp, St. Judes School, toured the Hamilton County Municipal Court and Federal Court on December 10th.

Mr. Peter Rebold, Attorney-at-Law, addressed the classes of Ms. Irene Daly, Colerain High School, on the topic of "Citizens Rights" on December 11th.

On December 11th, Mr. Robert Masters, Attorney-at-Law, spoke to approximately one hundred twenty (120) twelfth-grade students of Ms. Marsha Hunley, Oak Hills High School, on the topic of "Consumer Rights."

Seventy-five (75) eleventh-grade students of Mr. Richard Weis, Withrow High School, toured the facilities of the Hamilton County Court House on December 11th and 12th.

Mr. Otto Putnick, Attorney-at-Law, spoke on December 13th to the sixth grade class of Sister Mary Clare Windholtz at St. Ignatius Elementary on the topic "Courtroom Procedure."

The Center extends special thanks to Mr. W. Scott Brown who arranged classroom visitations to the federal courts, Mr. Phillip Muldoon who performed the same function for Municipal Courts, and to Mr. Barry Ross who arranged for classroom visitations by Hamilton County Municipal Court Judges.

The Center will continue to offer this service to all Cincinnati and Hamilton County elementary and secondary school educators during the remainder of the 1974-75 school year. A teacher or school administrator may make use of the Center's Resource Program by following the procedures outlined below:

Classroom Visitation-Field Trip Services:

- —Call the Center at 475-3982 — 8:00 a.m.-5:00 p.m. weekdays.
- —State the kind of service you would like and the area of law in which you are involved.
- —The Center's staff, whenever possible, will attempt to complete the program arrangements within three days of your request.
- —Please plan at least two to three weeks prior to the date you would like the program to be conducted.

The areas of expertise or interests of the Center's Resource Personnel include the following:

Consumer Law
Contracts
Corrections Programs
First Amendment Freedoms
Law as a Career
Laws Involving Minors
Landlord-Tenant Relations
Criminal Law and Due Process
Law Enforcement/Police
Student Rights/Responsibilities
Legal Assistance
Nature of Law/Philosophy
Property
The Courts/Trial Procedure

RECENT SUPREME COURT DECISIONS

Late in January, 1975, the United States Supreme Court announced two decisions that promise to be of significant interest to both educators and students. Although the recent release of these decisions precluded a more extensive analysis of the cases in this issue, the basic elements of each are provided. The full Supreme Court opinions for each may be obtained by requesting a "Slip Opinion" from the clerk of the Supreme Court, citing both the name and number of the case. A dollar fee may be charged. The address to be used is:

Clerk of Courts,
Supreme Court of the United States
Supreme Court Building
Washington, D.C. 20543

Educators may also wish to consult **United States Law Week** for a more extensive discussion of these cases.

STUDENT RIGHTS: Goss v. Lopez [No. 73-898]

Affirming that "young people do not shed their rights at the schoolhouse door," the United States Supreme Court, in a 5-4 decision, held that public school pupils cannot be suspended for misconduct without being accorded "fundamentally fair procedures to determine whether the misconduct has occurred."

An Ohio state law which permitted student suspensions for up to ten days without a hearing was challenged in this case which involved nine students who had been suspended by Columbus, Ohio high schools in 1971 during student unrest and racial demonstrations. The plaintiffs argued that the Ohio law deprived them of both property rights (i.e., a statutory right to an education) and liberty (i.e., damage of school records without proof) without due process of law, in violation of the 14th Amendment to the Constitution.

In a majority decision written by Justice Byron R. White, the Court majority held that before suspending public school pupils for ten or fewer days, public school officials must: (1) furnish the pupil with oral and written notice of the charges against him; (2) provide "an explanation of the evidence" if the pupil denies the charges; and (3) give the pupil "an opportunity to present his side of the story."

In a dissenting opinion, Associate Justice Lewis Powell maintained that "until today [with the exception

of **Tinker v. Des Moines** in 1969] . . . the educational rights of children and teen-agers in the elementary and secondary schools have not been analogized to the rights of adults or to those accorded college students." He suggested that such a decision as rendered by the majority in this case would result in having the Federal Courts called upon to review for fairness decisions by teachers of school authorities to fail a pupil in a course, deny him promotion, or assign him to a vocational rather than a college program.

EQUALITY: Taylor v. Louisiana [No. 73-5744]

In an 8-1 decision, the United States Supreme Court held that shifting economic and social patterns of the last twelve years have made it constitutionally unacceptable for states to deny women equal opportunity to serve on juries. The majority decided that the Sixth Amendment guarantees of jury trial required "the selection of a petit [jury] from a representative cross-section of the community," which is unattainable when women amount to fifty-three percent of the eligible jurors but are systematically excluded from serving.

Though expected to have little practical effect on the make-up of juries (Louisiana removed its challenged law as of January 1, 1975), the decision may be considered as an important victory for women's rights, for the Court overruled a 1961 decision in which its members sustained a similar Florida law discouraging women from serving on juries. In the 1961 ruling the court majority had held that "woman is still regarded as the center of home and family life" and thus States were permitted to exclude women from jury duty. In **Taylor,** however, the Court ruled that if at one time it could be held that . . . juries must be drawn from a fair cross-section of the community but that this requirement permitted the almost total exclusion of women this is not the case today. . . . If it was ever the case that women were unqualified to sit on juries or were so situated that none of them should be required to perform jury service, that time has long since passed."

In his lone dissent, Justice William H. Rehnquist argued that "The complete swing of the judicial pendulum twelve years later must depend for its validity on the proposition that during those years things have changed in constitutionally significant ways." He commented, however, that he was not able to detect such a change and opined that the Constitution should be narrower and more precise than "enforcing, as against the states, this court's perception of modern life."

If you would like to receive **FOCUS ON LAW** free-of-charge, please complete the following and return it to the Center.

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Address: _____

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FOCUS ON LAW

NEWSLETTER OF THE CENTER FOR LAW-RELATED EDUCATION

Volume One, Number Three

Spring, 1975

CENTER NEWS

Third Annual Summer Institute Announced

The Center for Law-Related Education is pleased to announce that it will conduct its third annual four-week intensive training program beginning June 23rd through July 18th for selected public and parochial school teachers from the City of Cincinnati and Hamilton County area. Twenty (20) secondary school social studies instructors and twenty-five (25) elementary school social studies teachers will be selected to participate in the 1975 program entitled "Teaching About Law in Social Studies Programs."

The course will focus on such key topics as "the nature of law," "an analysis of the criminal justice system," "justice and the legal system" and "the Bill of Rights", which will be taught by experienced criminal justice system personnel. The Center is especially pleased to announce that Dr. Isidore Starr, a nationally recognized expert in the field of law studies, will again serve as a principal member of the faculty.

The participants in each of these courses will be provided with opportunities to:

- Study aspects of the law that are directly related to what might be taught in the classroom:
- Prepare instructional materials geared to their particular educational setting;
- Utilize a greater variety of modes of instruction in presenting law-related lessons to their classes; and
- Participate in a number of field experiences involving the law, law enforcement, and our legal system.

During the Summer Program, classes will meet weekdays (except Independence Day) from 9:00 to 11:45 a.m. and 12:45 to 3:30 p.m. Morning sessions will be primarily devoted to the study of substantive law while the afternoon sessions will be used to: (1) encourage the development of a rationale and structure for more fully integrating law into elementary and secondary school curricula; (2) concentrate on the

(continued on page 3)

CLASSROOM STRATEGIES

Toward a Study of Juvenile Delinquency

"The adult population of today is often simply the final product of the juvenile delinquent population of yesterday, a monument to the failures of our social institutions. It is necessary, therefore, to view them together because crime today has become largely a problem of young people." This statement was contained in the preface to a subcommittee report of the Judiciary Committee of the U.S. Senate. The point has been made frequently by those concerned with both the nature and extent of crime in the United States. Hence, a recent report prepared by the Cincinnati-Hamilton County Regional Planning Unit entitled **A System Analysis of Crime and Juvenile Delinquency Data for Cincinnati-Hamilton County** observed: "One prevailing characteristic of the adult offender is that the criminal career usually started with delinquent acts, and led to more serious activities. If the juvenile reaches the age of eighteen without arrest or contact with juvenile court, the chance of future arrest is slight. Logic obviously dictates, then, that the prevention and control of delinquency and incorrigibility...among juveniles should be one of the primary foci in the reduction of crime in general." Indeed, the 1967 Presidential Commission on Law Enforcement and Administration of Justice flatly asserted, "America's best hope for reducing crime is to reduce juvenile delinquency."

According to statistics provided by the F.B.I. in its annual Uniform Crime Reports, during 1973 juveniles were significantly involved in the F.B.I. seven index crimes.

Murder: Persons under 18 years of age were involved in 6% of the willful killings solved by the police.

Aggravated Assault: Seventeen percent of all persons processed were referred to juvenile court jurisdiction.

Forcible Rape: Twenty-two percent of all persons processed were referred to juvenile court jurisdiction.

(continued on page 3)

FOCUS ON LAW

Newsletter of the CENTER FOR LAW-RELATED EDUCATION

Editor: David T. Naylor

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The Board of Directors and staff of the Center for Law-Related Education wish to express their sincere appreciation to the Cincinnati-Hamilton County Criminal Justice Regional Planning Unit, the University of Cincinnati, and the Cincinnati Bar Association for their financial support of the Center's Programs.

The views and ideas contained in this publication should not be construed to be necessarily those of the Center's funding agencies.

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INTRODUCING

"FOCUS ON LAW"

This is the third issue of "Focus on Law" which is published three times yearly, fall, winter and spring. It is distributed to Cincinnati-Hamilton County teachers and administrators free-of-charge by the Center for Law-Related Education.

The Center, located at the University of Cincinnati's College of Education, is committed to the development of a comprehensive program of law-related education throughout Hamilton County. In response to the need to help reduce misunderstanding, skepticism, and ambivalence concerning the law, law enforcement and the administration of justice now evident in our society, the Center, through extensive teacher-training, curriculum development, law resource personnel, and information programs, is helping to provide teachers with the knowledge, skills, and materials requisite to teaching about the law and the legal system in their classroom.

With "Focus on Law" the Center seeks to further its objectives by disseminating information about law-related education throughout the community. Its purpose is to keep teachers well-informed and up-to-date on recent developments regarding the law and legal system with respect to law studies education. This newsletter will contain teaching strategies and information about recent court decisions, careers in law-related fields, and Center activities and programs.

The Center's program, and this newsletter, represent the effect of the combined efforts of the University of Cincinnati's Colleges of Law and Education, the Cincinnati-Hamilton County Public and Parochial Schools, Cincinnati Police Division and Bar Association, and the Cincinnati-Hamilton County Criminal Justice Regional Planning Unit.

Those wishing to receive this publication may either contact the Center for Law-Related Education, 635 Pharmacy, University of Cincinnati, Cincinnati, Ohio, 45221, 475-3982, to have their names placed on the mailing list.

development of requisite study skills and on the use of classroom strategies such as the case method, simulations and role playing, and clarification techniques; (3) offer a series of field experiences including a police ride-along, court observations, and a tour of Lebanon Correctional Institute; and (4) provide an opportunity for the preparation of instructional materials with the assistance of the Summer faculty.

Each teacher who is selected to participate in the Center's 1975 Summer Program will receive:

- A stipend of $200.00
- Eight (8) quarter hours of graduate credit from the University of Cincinnati's College of Education (upon successful completion of the course of study)
- Free tuition, textbooks, and instructional materials.

In order to be considered for acceptance into the Center's 1975 Summer Program, the applicant and his or her school principal must agree that, upon returning to school in the fall, the prospective participant will have the opportunity to:

- Utilize the knowledge, skills, and materials acquired through the Center's Program in at least two social studies classes;
- Expand his or her instruction to make use of the Center's law and criminal justice resource personnel program;
- Assist in the planning and implementation of law-related education workshop programs for other teachers; and
- Participate in the evaluation of the Center's materials and training program.

Cincinnati-Hamilton County teachers who are interested in participating in the Center's 1975 Summer Institute may obtain applications by telephoning or writing:

Dr. David T. Naylor
Executive Director
Center for Law-Related Education
635 Pharmacy Building, Mail Loc. #2
College of Education
Cincinnati, Ohio 45221
475-3982

Applications will be accepted no later than Friday, May 23, 1975.

Robbery: Thirty-five percent of all persons processed were referred to juvenile court jurisdiction.

Burglary: Fifty-five percent of all persons processed were referred to juvenile court jurisdiction.

Larceny: Thirty-nine percent of all persons processed were referred to juvenile court jurisdiction.

Auto Theft: Sixty-two percent of all persons processed were referred to juvenile court jurisdiction.

Such statistics suggest that juveniles are very much involved in the problem of crime in the United States. In the previous issue of **Focus on Law** (Volume I, Number 2), a series of classroom exercises were provided to demonstrate a variety of classroom springboards and teaching techniques to promote student analysis and class discussion of the subject of crime and to propose a number of questions that might be considered in a study of that topic.

In this issue, the exercises which follow are concerned with the related topic of juvenile delinquency. Under no circumstances are these exercises to be viewed as a comprehensive treatment of the subject. Rather, each lesson is designed to introduce a particular area of study and consequently to be heavily supplemented with other textual materials and information. Additional lessons on the topic of juvenile delinquency will be available in September, 1975, in a unit currently being prepared by the Center for Law-Related Education entitled "Juveniles and the Law."

PRIMARILY FOR SECONDARY STUDENTS

A. Using a Classroom Poll: A Pre-Test

Ask students to respond to each of the following statements by circling "T" if they feel the statement is true, "F" if they believe the statement is false, and "NS" if they are not sure whether the statement is true or false.

T F NS 1. Boys are more likely to be juvenile delinquents than girls.

T F NS 2. If a 14-year-old boy steals money from a neighbor's house, when apprehended he will be treated as "delinquent child" rather than a criminal.

T F NS 3. In the state of Ohio, a 16-year-old boy could be declared a "juvenile delinquent" for doing something which, if done by an adult, would not be considered a crime.

T F NS 4. Under no circumstances may a young person under the age of eighteen be legally tried in an adult court in the state of Ohio. He must always be tried in a juvenile court.

T F NS 5. In some states, a 14-year-old girl who habitually refuses to obey her parents could be brought to court and declared a juvenile delinquent.

T F NS 6. Throughout the United States, 15- and 16-year-olds have the highest record of arrests of any other two-year age group.

T F NS 7. In the United States, the vast majority of crimes for which juveniles are arrested are crimes of violence (e.g., murder, robbery, aggravated assault) rather than crimes of property (e.g., theft, burglary).

T F NS 8. In the state of Ohio, legal action could be taken against you if you consistently "hang around" with known criminals.

T F NS 9. In the Cincinnati-Hamilton County area, the most frequent single offense committed during 1973 by boys under the age of 18 was that of burglary.

T F NS 10. In the Cincinnati-Hamilton County area, the most frequent single offense committed during 1973 by girls under the age of 18 was that of running away from home.

Classroom Procedures:

1. Tally the results. Record them on the chalkboard, bulletin board, transparency, or dittoed sheet.
2. The results may be: (a) discussed immediately following the poll; (b) referred to as the unit progresses; or, (c) discussed following the conclusion of the unit.
3. When used as an introduction to the unit, ask students to indicate which items were the easiest to answer and why and which were the most difficult to answer and why.
4. For those items unknown by the class, the teacher may which to explore where the information could be found and assign individuals the responsibility of seeking it out.
5. When used at the conclusion of the unit, a pre-test, post-test format could be used. Compile the results and compare with the pre-test responses. Discuss the differences and analyze why they may have occurred.

B. Using Hypothetical Situations: What is Delinquency?

Indicate whether you think each of the following persons could be judged "delinquent" in each of the following situations by circling either "Yes," "No," or "Not Sure."

Yes No Not Sure 1. A 14-year-old girl occasionally visits the shopping center's large department stores and takes small items without paying for them "just for kicks."

Yes No Not Sure 2. A large 11-year-old boy regularly threatens to beat up smaller children unless they pay him for "protection."

Yes No Not Sure 3. A 16-year-old boy refuses to obey the town curfew of 10:00 p.m., insisting the regulation is "stupid and insulting."

Yes No Not Sure 4. Each week during the professional football season, a 14-year-old boy bets a dollar with another student on the outcome of selected games.

Yes No Not Sure 5. A 15-year-old girl regularly cuts school and certain classes when she does attend because she's "bored."

Yes No Not Sure 6. A 17-year-old boy and his 15-year-old girlfriend decide to park their car in the local "lover's lane" and engage in passionate necking.

Yes No Not Sure 7. An 8-year-old boy decides to "borrow" a new 10-speed bicycle he sees outside a store. When caught, he states that he just wanted to see how it felt to ride a 10-speed bike and that he intended to return it.

Yes No Not Sure 8. Due to a family crisis, an 11-year-old girl was unable to study for an important math test. Afraid she would fail the test, she pulls the fire alarm five minutes before her class is scheduled to begin.

Yes No Not Sure 9. A 14-year-old girl takes a bottle of liquor with her on a three-day class ski trip and proceeds to get drunk on the bus.

Yes No Not Sure 10. Two 9-year-old boys decide to throw eggs at passing cars "just for fun."

Yes No Not Sure 11. Deciding there was nothing better to do, a 17-year-old girl and her three friends take turns driving across the lawns of several homes in a neighboring town, leaving large tire ruts and tearing up large portions of grass.

Yes No Not Sure 12. A 7-year-old girl decides to put on dark glasses and a sign reading, "Please Help Me!", and beg for money on a crowded city street.

Yes No Not Sure 13. Several 15-year-old boys beat up an elderly woman and steal her purse so they can "get some spending money."

Yes No Not Sure 14. Angry at the principal for suspending them, two 10-year-old girls return to the school at night and use spray paint cans to write obscenities on the building's outside walls.

Yes No Not Sure 15. A 15-year-old boy and girl decide to go to another state and elope, even though their parents are bitterly opposed to any talk of marriage at their age.

Classroom Procedures:

1. Tally the results. Which were the easiest situations to decide? Why? Which were the most difficult to decide? Why?
2. If you were a juvenile court judge, how would you deal with each of these cases? What factors would influence your decisions (e.g., age, motive, nature of the offense, etc.).

C. Using a Statute: Defining Delinquency

The following were taken from the **Revised Code** of Ohio.

2151.011 Definitions.

(B) As used in Sections 2151.01 to 2151.99 inclusive, of the Revised Code:
(1) "Child" means a person who is under the age of eighteen years, with the exception that any child who violates a federal or state law or municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of his age at the time the complaint is filed or hearing had thereon.

2151.02 Delinquent child defined.

As used in sections 2151.01 to 2151.54, inclusive, of the Revised Code, "delinquent child" includes any child:
(A) Who violates any law of this state, the United States, or any ordinance or regulation of a political subdivision of the state, which would be a crime if committed by an adult, except as provided in section 2151.021 of the Revised Code ["A child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, shall be designated as a "juvenile traffic offender."];
(B) Who violates any lawful order of the court made under this chapter.

2151.022 Unruly child defined.

As used in sections 2151.01 to 2151.54, incusive, of the Revised Code, "unruly child" includes any child:
(A) Who does not subject himself to the reasonable control of his parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;
(B) Who is an habitual truant from home or school;
(C) Who so deports himself as to injure or endanger the health or morals of himself or others;
(D) Who attempts to enter the marriage relation in any state without the consent of his parents, custodian, legal guardian, or other legal authority;
(E) Who is found in a disreputable place, visits or patronizes a place prohibited by law, or associates with vagrant, vicious, criminal, notorious, or immoral persons;
(F) Who engages in an occupation prohibited by law, or is in a situation dangerous to life or limb or injurious to the health and morals of himself or others;
(G) Who has violated a law applicable only to a child.

2151.26 Child Charged with Felony

(A) After a complaint has been filed alleging that a child is delinquent by reason of having committed an act that would constitute a felony if committed by an adult, the court [i.e., Juvenile Court] at a hearing may, before hearing the complaint on its merits, transfer the case for criminal prosecution to the appropriate court having jurisdiction of the offense, after making, in order, the following determinations:
(1) The child was fifteen or more years of age at the time of the conduct charged;
(2) There is probable cause to believe that the child committed the act alleged;
(3) After an investigation including a mental and physical examination of such child made by the Ohio Youth Commission, a public or private agency, or a person qualified to make such examination, that there are reasonable grounds to believe that:
(a) He is not committable to an institution for the mentally retarded or mentally ill;
(b) He is not amenable to care or rehabilitation in any facility designed for the care, supervision, and rehabilitation of delinquent children;
(c) The safety of the community requires that he be placed under legal restraint, including, if necessary, for the period extending beyond his majority.

• • •

(C) No child, either before or after reaching eighteen years of age, shall be prosecuted as an adult for an offense committed prior to becoming eighteen unless the case has been transfered as provided in this section. Any prosecution that is had in a criminal court on the mistaken belief that the child was over eighteen years of age at the time of the commission of the offense shall be deemed a nullity and the child shall not be considered to have been in jeopardy in the offense.

Questions:

1. According to the Revised Code, what is a "delinquent child" in the state of Ohio? What is an "unruly child"? Is a "delinquent child" an "unruly child"? Why or why not?
2. Would the provision constituting an "unruly child" apply to an adult? Could an adult do any or all of the acts constituting an "unruly child" without fear of penalty? How do you explain this? More importantly, perhaps, how do you feel about this?
3. What is meant be section 2151.022 (G), "Who has violated a law applicable only to a child"? Can you think of any such law? How do you explain this? How do you feel about this?
4. Are the definitions contained in these statutes clear and precise? For example, what is a "disreputable place," a "notorious person," or "reasonable control of his parents, teachers"?

5. According to the Revised Code, may a juvenile under the age of eighteen ever be tried in any court other than a juvenile court? Under what circumstances? Do you agree or disagree with this law?
6. Overall, do you agree or disagree with the Ohio laws cited regarding juveniles? Would you change them in any way? How? Why?

D. Using National Statistics: How Prevalent is Delinquency?

TABLE 1: Juvenile Court Cases Handled, 1960 - 1972

[Delinquency cases are all cases of youths referred to a juvenile court for violation of a law or ordinance or for seriously antisocial conduct.]

ITEM	1960	1965	1967	1968	1969	1970	1971	1972
Population 10-17 years old[1] 1,000	25,368	29,536	30,837	31,566	32,137	32,614	32,969	32,120
Delinquency cases excluding traffic[2] ..1,000	510	697	811	900	989	1,052	1,125	1,112
Per 1,000 population 10-17 years	20.1	23.3	26.3	28.5	30.7	32.3	34.1	33.6

[1]U.S. Bureau of the Census estimates of civilian population as of July 1, except 1960 and 1970, as of April 1.

[2]Delinquency cases based on data from a national sample of juvenile courts. Since 1970, based on all courts reporting whose jurisdiction includes about three-fourths of the nation's population.

Source: **Statistical Abstract of the United States, 1974**

Questions:

1. What kinds of cases are dealt with in the above chart—only violations of the law? Would "unruly child" behavior, as defined by the state of Ohio, also be included?
2. Have delinquency cases handled by the juvenile court been increasing or decreasing during the period, 1960-1972? How do you explain this?
3. Has the juvenile population been increasing at a rate faster than, equal to, or slower than the rate of delinquency cases handled by the juvenile court? How do you interpret this statistic?

TABLE 2: Total 1973 Arrests of Persons Under 15, Under 18, Under 21, and Under 25 Years of Age

Offense Charged	% of Total Crime Committed in the U.S.			
	Under 15	Under 18	Under	Under 25
All Offenses	9.5	26.4	40.8	55.2
Criminal Homicide	4.3	22.5	54.3	44.6
Forcible Rape	4.2	19.6	39.1	60.6
Robbery	10.8	33.7	55.6	76.3
Aggravated Assault	5.3	17.0	30.5	47.6
Burglary	23.1	53.8	71.)	84.4
Larceny-Theft	22.8	48.2	64.4	76.5
Auto Theft	15.0	56.5	74.3	85.6
Other Assaults	7.6	19.3	32.4	49.7
Arson	39.8	58.5	68.7	77.4
Forgery-Counterfeiting	1.7	11.1	29.4	54.2
Fraud	.8	3.7	14.7	36.6
Embezzlement	1.6	7.6	21.6	42.1
Stolen Property	10.1	33.8	54.7	71.8
Vandalism	42.5	68.9	79.1	86.3
Weapons; possessing, etc.	4.1	16.1	31.1	49.2
Prostitution & Vice	.3	3.9	26.6	62.9
Sex Offenses (a)	7.6	20.1	32.0	47.3
Narcotic Drug Laws	3.3	26.3	56.9	80.8
Gambling	.5	2.8	7.6	16.4
Offenses Against Family & Children	.5	2.3	16.6	35.3
Driving under the Influence	x	1.4	9.4	22.9
Liquor Laws	3.9	40.6	72.2	79.8
Drunkenness	.4	2.9	9.8	20.8
Disorderly Conduct	7.8	22.4	39.9	58.2
Vagrancy	2.5	12.0	28.6	58.5
All other offenses (except traffic)	10.3	27.2	43.8	60.8
Suspicion	10.7	32.0	55.2	72.9
Curfew & Loitering Violations	28.5	100.0	100.0	100.0
Runaways	40.0	100.0	100.0	100.0

(a) Except forcible rape and prostitution

Source: **Uniform Crime Reports, 1974**

Questions:

1. Given this information, what kinds of crime are young people—those under 25—most likely to commit? What kinds of crime are adults over 25 years of age most likely to commit? How do they differ?
2. According to this data, what types of offenses are juveniles (under 18) most likely to commit? What types of offenses are those between the ages of 18 and 25 most likely to commit? Compare and contrast.
3. Do any of the crimes listed above appear to be exclusively juvenile crimes? How do you explain this?
4. What types of offenses are least likely to be committed by juveniles? Why do you think this is the case?
5. Given this information, do you feel that juvenile crime is a significant problem in contemporary America? Why or why not?

TABLE 3: Most Common Juvenile Offenses, by Age, 1973

Age	Offense for which Most Frequently Arrested				
	1st	2nd	3rd	4th	5th
10 & Under	Theft	Vandalism	Burglary	Disorderly Conduct	Runaways
11 -12	Theft	Burglary	Vandalism	Runaways	Disorderly Conduct
13 - 14	Theft	Runaways	Burglary	Curfew & Loitering	Vandalism
15	Theft	Runaways	Burglary	Curfew & Loitering	Narcotic Drug Laws
16	Theft	Runaways	Curfew & Loitering	Narcotic Drug Laws	Burglary
17	Theft	Narcotic Drug Laws	Liquor Laws	Burglary	Disorderly Conduct

Source: **Uniform Crime Reports, 1974**

Questions:

1. What specific offense seems to be most frequently committed by young persons under the age of 18?
2. What differences appear in the offenses committed by young people in the different age groups listed above? How do you explain this?
3. Which of these age groups commit the more serious offenses? How do you explain this?

E. Using Local Statistics

The following data is contained in a report prepared by the Cincinnati-Hamilton County Regional Planning Unit Staff, with Mr. R. Jambunathan as consultant. This January, 1975 report entitled **A System Analysis of Crime and Juvenile Delinquency Data for Cincinnati-Hamilton County** is based on data for that area during the time period 1970-1973.

TABLE 4: Juvenile Offenses in Cincinnati-Hamilton County, 1970-1973

Offense	% of Total Juvenile Offenses			
	1970	1971	1972	1973
Auto Theft	7.4	7.7	5.9	6.1
Burglary	8.8	8.9	9.1	11.0
Robbery	1.7	1.1	2.1	2.2
Other Theft	14.5	14.3	16.3	13.3
Truancy	5.4	5.0	3.9	3.9
Runaways	11.6	11.0	9.5	9.1
Incorrigible	7.2	10.7	10.1	10.0
Sex Offenses	3.3	2.3	1.1	(b)
Injury to Person	8.1	8.9	9.0	8.7
Carelessness & Mischief	10.4	12.0	12.1	10.0
Traffic	1.6	3.1	2.7	1.7
Other Delinquency (a)	20.2	15.0	18.0	23.9
TOTAL	100.2	100.0	99.7	99.9

(a) Includes questionable conduct, carrying concealed weapon, violation of court order, etc.
(b) Less than one-half of one (1) percent

Questions:

1. What types of offenses seem to be most frequently committed by Cincinnati-Hamilton County juveniles?
2. Do Cincinnati-Hamilton County juveniles appear to commit the same type of offenses as juveniles across the country? Why or why not?
3. In what way(s) do these local statistics differ from the national statistics (e.g., categories of offenses, meaning of percentages, etc.)?
4. What caution must be taken when comparing local and national statistics? What additional information do you feel you need? Why?

F. Using an Article: Some Reservations About Juvenile Delinquency Statistics [1]

To prevent and control delinquency, we must first know something about the nature of delinquency and the dimensions of the problem.... But we are severely limited in what we can learn today. The only juvenile statistics regularly gathered over the years on a national scale are the FBI's Uniform Crime Reports, based on arrest statistics, and the juvenile court statistics of the Children's Bureau of the U.S. Department of Health, Education, and Welfare, based on referrals of juveniles from a variety of agencies to a sample of juvenile courts. These reports can tell us nothing about the vast number of unsolved offenses, or about the many cases in which delinquents are dealt with informally instead of being arrested or referred to court. Supplementing this official picture of delinquency are self-report studies, which rely on asking selected individuals about their delinquent acts. While efforts are made to insure the validity of the results, by such means as guaranteeing anonymity, and verifying results with official records and unofficial checks, such studies have been conducted only on a local and sporadic basis, and they vary greatly in quality.

Clearly, there is urgent need for more and better information. Nonetheless, enough is available to give some of the rough outlines of juvenile delinquency in the United States.

Enormous numbers of young people appear to be involved in delinquent acts. Indeed, self-report studies reveal that perhaps 90 percent of all young people have committed at least one act for which they could have been brought to juvenile court. Many of these offenses are relatively trivial—fighting, truancy, running away from home. Statutes often define juvenile delinquency so broadly as to make virtually all youngsters delinquent.

Even though most of these offenders are never arrested or referred to juvenile court, alarming numbers of young people are. Rough estimates by the Children's Bureau, supported by independent studies, indicate that one in every nine youths...will be referred to juvenile court in connection with a delinquent act (excluding traffic offenses) before his eighteenth birthday.

Youth is apparently responsible for a substantial and disproportionate part of the national crime problem. Arrest statistics can give us only a rough picture—probably somewhat exaggerated since it is likely that juveniles are more easily apprehended than adults. In addition, it may be that juveniles act in groups more often than adults when committing crimes, thus producing numbers of juvenile arrests out of proportion with numbers of crimes committed. But even with these qualifications, the figures are striking.

Questions:

1. According to this article, what cautions should be taken in interpreting juvenile delinquency statistics?
2. How do you react to the statement, "But even with these qualifications, the figures are striking"? Do you agree or disagree? Why? Is juvenile delinquency a major problem in the United States today?

[1]from **The Challenge of Crime in a Free Society**, 1967, p. 55.

G. Using an Open-Ended Statement: Formulating an Hypothesis

How do you picture the juvenile delinquent? Is the person male or female? rich or poor? black or white? Where does he or she live? etc. In considering this question, complete the following statement according to how **you** view the typical juvenile delinquent.

WHEN I THINK OF A JUVENILE DELINQUENT, I THINK OF.....

Classroom Procedures:

1. Record all responses from the class on the chalkboard. Seek agreement on the main points and formulate a composite description based upon information volunteered by the class.
2. Post this description on a section of the chalkboard or bulletin board for the duration of the unit.
3. Using this statement as an hypothesis, seek to verify its accuracy. Introduce various data regarding the subject, such as that which follows. Revise the statement when necessary.

H. Using an Article: Who Are the Delinquents?[2]

Almost all youths commit acts for which they could be arrested and taken to court. But it is a much smaller group that ends up being defined officially as delinquent.

Official delinquents are predominantly male....Boys and girls commit quite different kinds of offenses. Children's Bureau statistics based on large-city court reports reveal that more than half of the girls referred to juvenile court in 1965 were referred for conduct that would not be criminal if committed by adults: only one-fifth of the boys were referred for such conduct. Boys were referred to court primarily for larceny, burglary, and motor vehicle theft, in order of frequency; girls for running away, ungovernable behavior, larceny, and sex offenses.

Delinquents are concentrated disproportionately in the cities, and particularly in the larger cities. Arrest rates are next highest in the suburbs, and lowest in rural areas.

Delinquency rates are high among children from broken homes. They are similarly high among children who have numerous siblings.

Delinquents tend to do badly in school. Their grades are below average. Large numbers have dropped one or more classes behind their classmates or dropped out of school entirely.

Delinquents tend to come from backgrounds of social and economic deprivation. Their families tend to have lower than average incomes and social status. But perhaps more important than the individual family's situation is the area in which a youth lives. One study has shown that a lower class youth has little chance of being classified as delinquent if he lives in an upper class neighborhood. Numerous studies have revealed

the relationship between certain deprived areas—particularly the slums of large cities—and delinquency....

Thus, Negroes, who live in disproportionate numbers in slum neighborhoods, account for a disproportionate number of arrests. Numerous studies indicate that what matters is where in the city one is growing up, not religion or nationality or race....

[In sum, a] sketch drawn from the limited information available shows that disproportionately the delinquent is a child of the slums, from a neighborhood that is low on the socio-economic scale of the community and harsh in many ways for those who live there. He is fifteen-or-sixteen-years-old..., one of numerous children—perhaps representing several different fathers—who live with their mother in a home that the sociologists call female-centered. It may be broken; it may never have had a resident father; it may have a nominal male head who is often drunk or in jail or in and out of the house (welfare regulations prohibiting payment where there is a "man in the house" may mitigate against his continuous presence). He may never have known a grown-up man well enough to identify with or imagine emulating him. From the adults and older children in charge of him he has had leniency, sternness, affection, perhaps indifference, in erratic and unpredictable succession. All his life he has had considerable independence, and by now his mother has little control over his comings and goings, little way of knowing what he is up to until a policeman brings him home or a summons from court comes in the mail.

He may well have dropped out of school. He is probably unemployed, and has little to offer an employer. The offenses he and his friends commit are much more frequently thefts than crimes of personal violence, and they rarely commit them alone. Indeed, they rarely do anything alone, preferring to congregate and operate in a group, staking out their own "turf"—a special street corner or candy store or poolroom—and adopting their own flamboyant title and distinctive hair style or way of dressing or talking or walking, to signal their membership in the group and show they are "tough" and not to be meddled with. Their clear belligerence toward authority does indeed earn them the fearful deference of both adult and child, as well as the watchful suspicion of the neighborhood policeman. Although the common conception of the gang member is of a teenager, in fact the lower class juvenile begins his gang career much earlier, and usually in search not of coconspirators in crime but of companionship. But it is all too easy for them to drift into minor and then major violations of the law.

That is not to suggest that his mother has not tried to guide him, or his father if he has one or an uncle or older brother. But their influence is diluted and undermined by the endless task of making ends meet in the face of debilitating poverty; by the constant presence of temptation—drugs, drinking, gambling, petty thievery, prostitution; by the visible contrast of relative affluence on the other side of town.

Questions:

1. Compare the profile contained in this 1967 report to the class composite. In what ways is it similar? In what ways different?
2. Do you think the above portrait is accurate? Why or why not?
3. Would this portrait be changed if it reflected a composite of all youths who commit delinquent acts rather than just those youths that are officially defined as delinquents? In what ways?

[2] from **The Challenge of Crime in a Free Society**, 1967, pp. 56-7, 60-61.

I. Using Statistics: Hypothesis Testing

TABLE 5: Total Juvenile Arrests, by Sex, 1973

Offense Charged	Total Arrests		% of Total Arrests	
	MALES	FEMALES	MALES	FEMALES
Total	1,274,978	355,744	78.2	21.8
Criminal Homicide	1,621	148	91.6	8.4
Forcible Rape	3,632	0	100.0	0.0
Robbery	31,372	2,340	93.1	6.9
Aggravated Assault	21,286	3,626	85.4	14.6
Burglary	154,885	8,330	94.9	5.1
Larceny-Theft	211,032	85,891	71.1	28.9
Auto Theft	60,554	3,995	93.8	6.2
—Violent Crime	57,605	6,903	90.4	9.6
—Property Crime	426,471	98,216	81.3	18.7
—Subtotal of Above Offenses	484,382	104,330	82.3	17.7
Other Assaults	41,347	10,420	79.9	20.1
Arson	5,645	539	91.3	8.7
Forgery & Counterfeiting	3,239	1,224	72.6	27.4
Fraud	2,266	768	74.7	25.3
Embezzlement	333	82	80.2	19.8
Stolen Property	20,921	1,856	91.9	8.1
Vandalism	74,070	5,440	93.2	6.8
Weapons	17,040	962	94.7	5.3
Prostitution & Vice	444	1,293	25.6	74.4
Sex Offenses (except forcible rape and prostitution)	8,287	1,198	87.4	12.6
Narcotic Drug Laws	98,753	21,864	81.9	18.1
Gambling	1,373	102	93.1	6.9
Offenses against Family and Children	622	257	70.8	29.2
Driving under the Influence	7,976	610	92.9	7.1
Liquor Laws	55,893	13,904	80.1	19.9
Drunkenness	28,526	4,706	85.8	14.2
Disorderly Conduct	81,786	17,943	82.0	18.0
Vagrancy	4,739	1,090	81.3	18.7
All other (except traffic)	169,553	51,268	76.7	23.2
Suspicion (not included in totals)	10,150	1,879	84.4	15.6
Curfew & Loitering	92,898	22,154	80.7	19.3
Runaways	74,885	93,734	44.4	55.6

Source: **Uniform Crime Reports, 1974**

Questions:

1. According to these FBI statistics, did juvenile males commit more crimes than juvenile females in the United States during 1973? Nationally, was the typical juvenile delinquent a male?
2. *What types of offenses are most frequently committed by* males and females according to this data? How do the offenses differ? What explanation can you offer for this?
3. Do these statistics confirm or reject your class composite of the juvenile delinquent? the 1967 presidential commission profile?

TABLE 6: Characteristics of Cincinnati-Hamilton County Juvenile Offender Family Relationships, 1970-73, in Percent

Family Relationship	1970	1971	1972	1973
A. Status of Parents				
Married	44%	43%	43%	45%
Unmarried	11%	10%	10%	10%
Separated	15%	13%	13%	13%
Divorced	18%	23%	23%	21%
Father Deceased	8%	8%	8%	8%
Mother Deceased	3%	3%	3%	3%
Both Deceased	1%	1%	1%	0%
B. Juvenile Living With				
Both Parents	42%	42%	41%	43%
Mother Only	35%	35%	36%	36%
Father Only	3%	3%	3%	3%
Mother-Stepfather	9%	9%	9%	8%
Father-Stepmother	2%	2%	2%	2%
Other	9%	9%	9%	9%

Source: **Cincinnati-Hamilton County Regional Planning Unit**

Questions:

1. Given this information based on local data, what portrait emerges of the local juvenile offender's family?
2. Do these statistics support or oppose the class profile? the 1967 presidential commission profile? Why or why not?
3. Of what value are these local statistics in establishing a perspective on juvenile delinquency? Why?

PRIMARILY FOR ELEMENTARY STUDENTS

A. Using Fictional Characters: What is a Crime?

Each of the following fictional characters should be familiar to you. Was what they did against the law or not? Consider the following:

A. Peter Rabbit, who took items from Mr. McGregor's garden.
B. Goldilocks, who entered the home of the three bears, ate their food and broke their furniture.
C. Jack, who crept into the giant's castle and escaped with the giant's goose that laid the golden eggs.
D. Georgie Porgie, who kissed the girls and made them cry.
E. Pinnochio, whose nose grew very long because he did not tell the truth.
F. The wolf, who threatened to eat the three little pigs and actually blew down two of their houses.

Questions:

1. What "crime" or offense did each of the story characters commit?
2. Which of these story characters could be prosecuted in a court of law for their act? Why?
3. Would it make a difference if they committed the act or if an adult committed the act? Would they be treated the same? Why or why not?

B. Using a Continuum: How Serious an Offense?

Ask students to rank the offenses of each of the story characters listed above on the following continuum, from "most serious" (1) to "least serious" (6).

1	2	3	4	5	6
MOST SERIOUS OFFENSE					LEAST SERIOUS OFFENSE

Classroom Procedures:

1. Place six pieces of different colored construction paper on the floor in front of the room. Number from one to six.
2. Read the story book offense. After each, ask students to come to the front of the room and stand by the piece of paper containing the number they decided the offense merited on the continuum scale.
3. Ask students standing by each of the pieces of paper to explain their reasons for assigning the number they did. Discuss.
4. Repeat this procedure for each of the six storybook characters.

C. Using a Poll: What is Delinquency?

Ask students to respond to each of the following statements by circling "MA" if they feel the incident is a major offense, "MI" if they feel the incident is a minor offense, and "NO" if they feel it is not an offense.

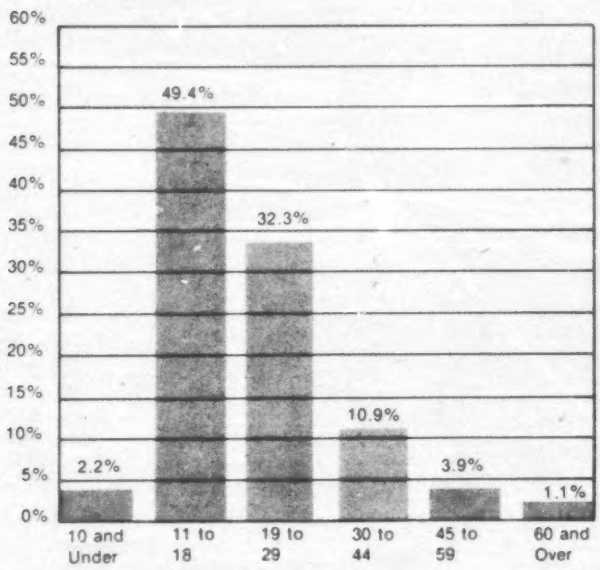
MA	MI	NO	1.	Stealing small items from a department store with a value of less than $10.00.
MA	MI	NO	2.	Refusing to obey a town curfew.
MA	MI	NO	3.	Betting on the outcome of football games.
MA	MI	NO	4.	Being regularly truant from school.
MA	MI	NO	5.	Setting off a false fire alarm.
MA	MI	NO	6.	Throwing eggs at passing cars.
MA	MI	NO	7.	Setting fire to an abandoned house.
MA	MI	NO	8.	Refusing to obey your parents.

Classroom Procedure:

1. Tabulate the results. Probe to ascertain the reasoning of the class.
2. Would it make a difference if any of the offenses listed above were committed by a young person under 18 or an adult? If so, what type of difference?
3. For further exploration: ASK—Why are young people and adults treated differently by the criminal justice system?

D. Using Statistics: How Serious a Problem?

TABLE 7: Total 1973 Arrests for FBI Index Crimes, by Age



Source: **Uniform Crime Reports, 1974**

Questions:

1. What age group committed the greatest number of offenses during 1973?
2. What age group was second? How do you explain this?
3. What do these statistics suggest about crime in America? What do they mean to you?

E. Using a Provocative Quote: How Should Society Deal with the Juvenile Offender?

Read the following to the class:

A child, that is, a young person who has not yet reached the age of eighteen, is not fully responsible for his actions. He is not mature enough to make reasonable decisions for himself. Hence, he should not be treated as an adult when he errs, even if the act results in the commission of a serious crime. His treatment should be designed to help and rehabilitate rather than to merely punish.

Questions:

1. How do you react to this quotation? Do you agree or disagree? Why?

F. Using a Forced Choice Exercise

When does a young person become old enough to make decisions for himself? Consider the following and indicate the age at which you believe a young person is able to make a reasonable decision in the matter and accept responsibility for that decision.

Decision	Age Level					
1. Deciding what to wear.	6	9	12	15	18	21
2. Deciding which candidate to vote for.	6	9	12	15	18	21
3. Deciding where and whether to go to church.	6	9	12	15	18	21
4. Deciding when to go to bed.	6	9	12	15	18	21
5. Deciding what movies to see.	6	9	12	15	18	21
6. Deciding when to marry.	6	9	12	15	18	21
7. Deciding hair style and length.	6	9	12	15	18	21
8. Deciding whether to attend or drop out of school.	6	9	12	15	18	21
9. Deciding when and if to use alcoholic beverages.	6	9	12	15	18	21

Classroom Procedure:

1. Tally the results. Ask students to explain the reasons for their choices.
2. In those instances when students thought young people were too young to make the decision, whom do they feel should make it (e.g., parents, government through laws, etc.)? Discuss.
3. Ask the following question: If a young person is not mature enough to make reasonable decisions for himself, can he be held responsible for them? For example, should a three-year-old who pulls out the tomato plants in his neighbor's garden be treated the same as if a thirteen-year-old did it? as if a twenty-three-year old? Why or why not? Discuss.

CENTER TEACHER TRAINING PROGRAMS ASSESSED

Study Reveals Impact on Area Youth

Students with teachers who have been trained in either a Center summer workshop or mini-course teacher training program posses significantly greater knowledge about and, in many instances, have significantly more positive attitudes toward the American criminal justice system than students with teachers who have received no special training in law-related education. Furthermore, the greater the extent of student exposure to law-related education experiences, the greater the tendency for students to know more about and feel more positively toward the criminal justice system. These were among the principal findings of the first study initiated by the Center for Law-Related Education to assess the impact its teacher training programs appear to have upon students in the Greater Cincinnati-Hamiiton County area.

The Center for Law-Related Education utilizes two principal programs for training Cincinnati-Hamilton County educators in law-related education. During the summer, the Center offers an intensive four-week summer workshop to selected secondary and elementary school teachers (see article in this issue for further information about the Center's 1975 Summer Workshop) and, in both the fall and spring, the Center offers a series of less rigorous mini-courses to area educators. As the Center moved into its second year of operation, plans were made for its first formal assessment of program impact upon students in the Cincinnati-Hamilton County area. Consequently, the Center contracted with Dr. John Wick, Associate Professor of Education at Northwestern University, to conduct such an assessment. Dr. Wick, a staff member of the Chicago Law in American Society Project and an experienced evaluator of law studies projects across the country, was felt to be particularly well-suited to conduct such a study.

The Center decided to concentrate on grades 11 and 12 at the secondary level and grades 5 and 6 at the elementary level. Grades 11 and 12 were selected for two standard and widely taken courses, American History and Government, are required of most students at that grade level. It was believed that this would result in a more representative student population, as opposed to the inclusion of students in specialized law studies courses (e.g., "You and the Law"—Princeton High School, "The Police and the Law"—Purcell High School, etc.) or specialized social studies courses in which law studies had been incorporated (e.g., Economics—Oak Hills High School, Sociology—Harrison High School, etc.). Grades 5 and 6 were selected at the elementary school level because teachers from that grade level were most frequently represented in the Center teacher training programs.

Employing a matched-pairs design at both the secondary and elementary school levels, the study included an experimental group which consisted of students whose teachers had received special training in either a Center summer workshop or mini-course program, and a control group which included students whose teachers had received no special training in law-related education.

During November, 1974, the Center sent a questionnaire to every participant in its 1973 and 1974 summer workshops and its spring, 1974 mini-courses to identify a pool of teachers who were teaching the desired subjects (i.e., American History and/or Government at the secondary level; social studies at the elementary level) at the desired grade levels (i.e., grades 11-12 at the secondary level; grades 5-6 at the elementary level). Once this pool was identified, teachers were selected and, in December, approached

for cooperation. No teacher refused to cooperate. Matching control classes were subsequently identified. The study thus involved a total of 815 students of 33 different teachers in twenty public, parochial and/or private schools throughout the Greater Cincinnati-Hamilton County area.

The basic question the Center wished to explore was whether students at both the secondary and elementary school levels whose teachers had been trained in either a Center summer workshop or mini-course program would perform significantly better on cognitive (i.e., knowledge of the criminal justice system), affective (i.e., feelings or attitudes toward the criminal justice system), and job preference inventory instruments.

Since the Center had offered several separate and basically distinct mini-courses and two summer workshops and utilized a wide variety of curriculum materials and resources, instrument validity was a concern. However, an attempt was made to identify those nationally tested items employed by Dr. Wick in previous law-related education projects which seemed to be applicable to the training teachers received in the Center's summer workshop and mini-course programs.

All secondary students received the same cognitive, affective and job inventory instruments. Elementary students received a different cognitive test than secondary students, a test specifically geared to reflect a different Center teacher training emphasis, but the same affective and job inventory instruments as administered to secondary students. In addition to these pencil-and-paper measures, a random sample of students from each of the three groups were selected to be interviewed by a team of interviewers from Northwestern University. A total of 131 students (16%) were interviewed.

Among the principal findings of the study which was conducted in January, 1975, were the following:

(1) At the secondary level, students in the experimental group demonstrated significantly greater knowledge of and more positive attitudes toward the criminal justice system than students in the control group on the pencil-and-paper tests administered to the 466 secondary students who participated in the study.

(2) At the elementary level, students in the experimental group demonstrated significantly greater knowledge of the criminal justice system than students in the control group on the pencil-and-paper tests administered to the 349 elementary students who participated in the study. No significant differences were evident between the experimental and control groups for attitudes towards the criminal justice system.

(3) No significant differences appeared between experimental and control groups at either the secondary or elementary levels with respect to the job preference inventory.

(4) In every instance on the paper-and-pencil tests, students with teachers trained in the Center's summer workshop program demonstrated significantly greater knowledge of and more positive attitudes toward the criminal justice system as compared to students with teachers trained in a Center mini-course or students with teachers who had received no special training in law-related education.

(5) The amount of exposure students received in law-related educational activities was a significant variable for both cognitive and affective measures but not for job preference. Within the experimental group, students who had "some" exposure evidenced significantly greater knowledge of the criminal justice system at both the secondary and elementary levels than students who had "little" exposure to law-related educational activities. At the elementary level, students who had "some"exposure to law-related educational activities demonstrated significantly more positive attitudes toward the criminal justice system than students who had "little" exposure. No significant attitudinal differences were found at the secondary level for this variable. And, as before, no significant differences existed at either level on job preference measures.

(6) Interview results did not tend to fully support the findings of the pencil-and-paper tests. While the experimental group demonstrated some improvements on cognitive and affective measures, the differences were not statistically significant. Since the interview consisted of very different items than those included in the pencil-and-paper instruments, the results are difficult to interpret for they may be attributable to instrument validity or some other variable. Nevertheless, interview findings are important to an overall assessment of the Center's teacher training programs.

In summary, the findings of this study suggest that the Center's teacher training programs, especially the Center's four-week summer workshop, seem to be having an important beneficial effect upon the students within the Greater Cincinnati-Hamilton County area. Students with teachers who have been in a Center teacher training program appear to know significantly more about and feel more positively toward the criminal justice system than students of teachers who have received no special training in law-related education. And, the impact seems to be significantly greater when teachers who have been trained by the Center actually utilize law-related educational activities in their classroom.

As the Center continues to broaden both the nature and scope of its teacher training programs and extend them to more educators within the Greater Cincinnati-Hamilton County area, the results of this study provide an important perspective in helping to gauge and increase the effectiveness of these programs.

CAREERS IN LAW

Cincinnati-Hamilton County

Juvenile Probation Officers

*by Michael Hoobler**

Juvenile delinquency is almost always the sympton of another social problem. The solution may be as simple as providing decent clothing to a truant child who has been ashamed to go to school because of his appearance. It may be as complex as working with an entire family both to modify their behavior and to help the delinquent child adjust to his environment. But, whether a child is assigned to a Juvenile Court Probation Officer because of truancy, larceny, assault, or housebreaking, the probation officer's job is to get to the root of his problem and help the child to solve it so that the delinquency will not reoccur.

There are thirty full-time juvenile probation officers working with the Hamilton County Juvenile Court to help troubled children solve the problems that manifest themselves in delinquent and unruly behavior. The minimum educational requirement for one of these positions is a Bachelor of Arts degree in a related field such as psychology or sociology; but, equally important since his job involves constant public contact, a juvenile probation officer must have a desire to work with people, good common sense, and empathy for and compassion with his fellow human beings.

Because a juvenile probation officer is a representative of the court, he must learn about all aspects and divisions of the juvenile court before he is assigned cases. Each juvenile probation officer goes through an orientation period where he observes various aspects of the juvenile court system such as intake and courtroom procedures and lockup hearings. Otherwise, there is no specific training program for the position.

The caseload of a juvenile probation officer varies from between fifty to seventy children. Children are assigned to probation officers on the basis of their school districts after their cases have been heard in juvenile court. Generally, a probation officer will see each child once every two weeks; however, these visits will be more or less frequent depending on the nature of the individual case. They may be held at the probation offices or at a child's home or school.

Likewise, a probation officer determines on an individual basis what the rules for and how long each probation period will be. Probation can last anywhere from two weeks to six months or longer, depending on a child's attitude and behavioral adjustment during his probationary period.

To help him successfully deal with a child's problems, a probation officer has access to various resources. The Juvenile Court Staff includes a pediatrician, a psychologist, and a psychiatrist to help children that have physical or mental health problems. If necessary, a child may be sent to General Hospital for further treatment. A probation officer can draw on emergency funds to provide a needy child with eyeglasses or clothing. He may use community resources such as a crisis intervention center should he feel that members of a child's family need counseling. Often, however, a probation officer's biggest resource must be himself. Since most delinquent children come from broken homes, a probation officer may find himself in the role of a big brother, a disciplinarian, or an advocate of a child's right either at home or at school.

Approximately fifty per cent of a probation officer's time is spent counseling children. The rest is allocated between inter-departmental meetings, contacts with schools and other agencies, and paperwork. Since there is a statutory requirement that a running record be kept on each child, a substantial amount of this time is spent on paperwork. This generally involves writing reports of each meeting a probation officer has with a child for his record, so that if one probation officer is absent or if a child returns to the facilities for repeated delinquency, another probation offficer can begin immediately where counseling was previously left off.

Although a probation officer's hours are officially nine-to-five, a juvenile's problems don't always occur during those hours; therefore, he can expect to be on call twenty-four hours a day. His starting salary is currently between $9,000 and $10,000 per year depending on his previous experience. After working one year, he is entitled to two weeks vacation which increases in proportion to his seniority.

Those wishing further information regarding a position as a probation officer should contact the Juvenile Court Personnel Office in the Alms & Doepke Building, 222 East Central Parkway, Cincinnati, Ohio 45202, 632-8792.

*Mr. Hoobler, who holds a Bachelor of Arts degree in psychology from the University of Cincinnati, is in his sixth year as a juvenile probation officer. He was formerly a teacher of mathematics at Withrow High School.

CENTER PROGRAMS

The Center's

Law Personnel Resource Program

With its volunteer pool of more than 200 judges, attorneys, law enforcement officers, ex-offenders, and corrections officials, the Center for Law-Related Education has been able to offer the following services for the second consecutive year to Hamilton County teachers and administrators:

- — School classroom visitations for the purpose of discussing particular legal questions and/or problems with students;
- — Assistance for teachers in arranging and conducting field trips to various institutions within the criminal justice system; and
- — Consultation with teachers regarding a particular legal question or topic that is being taught in the classroom.

From September, 1974, to March, 1975, the Center has arranged for approximately 103 speakers to make presentations to student, teacher and/or parent groups, and for more than 700 students to visit the Hamilton County Courts, the Federal Courts and/or the Cincinnati Police Division headquarters. This represents a substantial increase over the number of requests received by the Center for the same time period in 1973-74.

The Center's Board of Directors and staff wish to express their sincere and continuing appreciation to those judges, lawyers, law enforcement officials, corrections officials, ex-offenders, and law professors who have so generously donated their services to this important Center program.

In its previous issue of **Focus on Law,** the Center recognized those who had participated in this program from September to December, 1974. In this issue, the Center wishes to recognize those who were involved in this program during January to March, 1975. They were:

January, 1975

On January 8th, Patrolman Wendell Young and Patrolman Roland Harrison of the Cincinnati Police Division spoke to Ms. Diane Knopp's eighth-grade class at St. Judes School on "The Role of a Police Officer."

Dr. David Naylor, Executive Director of the Center, conducted a mock trial on January 8th for approximately fifty (50) twelfth-grade students of Mr. Maurice Delk at St. Bernard High School.

Arrangements were made for thirty (30) sixth-grade students from St. Ignatius School to visit the Hamilton County Municipal Courts with their teacher, Sister Mary Clare Windholtz, on January 8th.

On January 9th, Mr. Donald Bolsinger, Attorney-at-Law, addressed the classes of Mr. Ron Hacker, Princeton High School, on the topic of "Domestic Law in Ohio."

Mr. Richard Norton, an Attorney-at-Law, spoke to the twelfth-grade classes of Mr. Maurice Delk, St. Bernard High School, about the topic, "Due Process in Criminal Law," on January 13th.

An ex-offender, Mr. James ("Slim") Liggins, from the Seventh Step Foundation spoke to the classes of Mr. Ron Hacker at Princeton High School on January 13th on the subject of "The American Penal System."

On January 14th, Specialist Agent Donald Norie of the Federal Bureau of Investigation spoke to the twelfth-grade classes of Mr. Edward Beck at Milford High School on the topic of "The Role of the F.B.I."

Mr. James Lawrence, Attorney-at-Law, spoke on January 16th to the twelfth-grade government classes of Mr. Larry Niederhelman, Mt. Healthy High School, on the subject of "Criminal Law."

Mr. Merlyn Shiverdecker, Assistant Prosecutor for Hamilton County, addressed the classes of Mr. Ken Barlag and Mr. Gene Jessee at LaSalle High School on the topics of "Search and Seizure" and "Stop and Frisk" on January 17th.

On January 17th, Dr. David Naylor, Executive Director of the Center, spoke to a twelfth-grade class of Mr. Maurice Delk, St. Bernard High School, on the topic, "Student Rights and Responsibilities."

Mr. David Parker, Attorney-at-Law, spoke to fifty (50) high school students of Mr. Ron Hacker at Princeton High School regarding "Criminal Law Procedure" on January 21st.

On January 21st, Mr. Merlyn Shiverdecker, Assistant Prosecutor for Hamilton County, spoke to the classes of Mr. Ron Hacker, Princeton High School, on "The Role of a Prosecutor."

A "Law Day" program was arranged at the request of Mr. Richard Dickmann for Loveland Junior High School students on January 21st and 22nd. Approximately 260 students participated in this program which featured the following speakers: (1) Chief Robert Jordon, Loveland Police Department, who spoke on "The Role of a Police Officer;" (2) Mrs. Viola Phillips, Mayor of the City of Loveland, who discussed "How We Get Laws;" (3) the Honorable John P. O'Connor, Hamilton County Municipal Court Judge, who spoke on "What Happens to Those Who Violate Laws;" (4) Mr. Terry McConnell, Attorney-at-Law, who talked about "Criminal Law;" (5) Patrolman Roland Harrison and Patrolman Wendell Young of the Cincinnati Police Division, who analyzed "The Role of a Police Officer;" (6) former State Representative Jack A. Bechtold, who discussed "How Laws are Made;" (7) ex-offender, Mr. James ("Slim") Liggins from the Seventh Step Foundation, who spoke on "Incarceration;" and, (8) Mr. Carl Meeker, Attorney-at-Law, who discussed the topic, "The Nature of Civil Law."

Arrangements were made for the classes of Mr. Edward Beck, Milford High School, to visit the Hamilton County Municipal Courts on January 22nd.

On January 23rd, Mr. Richard Henkel, Attorney-at-Law, visited with the classes of Miss Gwendolyn Boggs, Westen Hills High School, and spoke on "The Nature of Contracts."

Specialist Kathy Meinke from the Hamilton County Sheriff's Department spoke on January 24th to the classes of Mr. Ron Hacker, Princeton High School, on the topic of "Understanding the Crime of Rape."

February, 1975

Mr. Robert Braddock, Attorney-at-Law, visited the classes of Mr. Jim Tewel, Hughes High School, and discussed "Student Rights and Responsibilities" on February 4th.

Specialist Kathy Meinke of the Hamilton County Sheriff's Department visited the classes of Sister Barbara Brown at Regina High School on February 4th and made a presentation on "The Nature of Rape and What You Can Do About It."

Mr. Francis Schwegmann, Attorney-at-Law, discussed "The Court System" on February 4th with the eighth-grade classes of Ms. Susan Herdeman, St. Saviour Elementary School.

The Center arranged for a panel discussion on the topic "Justice and the American Criminal Justice System" presented on February 6th before 110 students in the classes of Sister Barbara Brown at Regina High School. Panel members included: (1) Sgt. Handy Matthews, Cincinnati Police Division; (2) Mr. Allen Brown, Attorney-at-Law; (3) Mr. James ("Slim") Liggins, an ex-offender representing the Seventh Step Foundation; (4) Mr. Phillip Muldoon, Deputy Director of Probation for Hamilton County; and, (5) Dr. David T. Naylor, Executive Director of the Center.

On February 11th, Sgt. Handy Matthews, Patrolman Wendell Young and Patrolman Roland Harrison of the Cincinnati Police Division spoke to the concerns of Mr. Jim Tewel's tenth-grade classes at Hughes High School regarding "The Role of a Police Officer."

The Center arranged for Mr. Elam Lantz, Jr., Attorney-at-Law, to meet with the teachers at Oak Hills High School as part of an in-service day program to discuss the subject of "Student Rights and Responsibilities" on February 14th.

Mr. Ronald Morgan, Attorney-at-Law, spoke on February 18th to classes of Mr. Jim Tewel at Hughes High School regarding "Courtroom Procedure."

On February 19th, Patrolman Roland Harrison and Patrolman Wendell Young, Cincinnati Police Division, spoke to the concerns of the classes of Ms. Karen Oldham at Shroder Junior High School on the topic of "The Handling of Juveniles vs. Adults."

Mr. Phillip Muldoon, Deputy Director of Probations, spoke to the classes of Mr. Thomas Balaban, St. Xavier High School, on the topic "Alternatives to Incarceration" on February 21st.

On February 24th, Assistant Professor Natalie Stason, University of Cincinnati College of Law, addressed student teachers from the University of Cincinnati College of Education, on the subject of "Teacher Rights and Responsibilities."

On February 24th, Mr. David Goldman, Attorney-at-Law, spoke to the classes of Mr. Al Riesenberg, Sycamore High School, regarding "Standards for Choosing a Lawyer."

On February 25th, Mr. Robert Liebman, Attorney-at-Law, spoke to the classes of Mr. Jim Tewel, Hughes High School, regarding "The Juvenile Court System."

Mr. Timothy Hickey, Attorney-at-Law, spoke to the classes of Ms. Karen Oldham at Shroder Junior High School, regarding "The Rights of Juveniles" on February 25th.

On February 27th, Mr. William Stearns, Attorney-at-Law, met with the classes of Mr. John Fierro at Live Oaks Joint Vocational School and discussed "Search and Seizure."

Patrolman Roland Harrison of the Cincinnati Police Division spoke on February 27th to the classes of Mr. Mel Brown at Princeton High School on the topic "The Role of a Policeman."

March, 1975

Arrangements were made for thirty (30) students of Mr. Al Riesenberg, Sycamore High School, to tour and visit both the Hamilton County Municipal Courts and the Federal Courts on March 3rd.

On March 4th, The Honorable Maurice Niehaus, Hamilton County Municipal Court Judge, met with the classes of Mr. Jim Tewel, Hughes High School, and discussed the topic of "The Role of a Judge."

Mr. Donald Bolsinger, Attorney-at-Law, talked to the students of Mr. Mel Brown, Princeton High School, on the topic of "Family Law" on March 5th.

On March 6th, Mr. Louis J. Schneider, Jr., Attorney-at-Law and former member of the Ohio State Supreme Court, spoke to the classes of Mr. Al Riesenberg, Sycamore High School, on the topic "The Selection and Role of Judges."

Arrangements were made for forty (40) of Mr. Mel Brown's students at Princeton High School to visit the Hamilton County Municipal Courts on March 6th.

On March 11, an ex-offender, Mr. James Liggins, from the 7th Step Foundation, spoke to the classes of Mr. Jim Tewel, Hughes High School, on the topic "The American Correctional System."

Mr. Leon Strikman, Attorney-at-Law, spoke on March 12th to the students of Mr. Terry Raulin, Mr. Healthy High School, on "The Juvenile Court System."

On March 12th and 13th, Dr. David T. Naylor, Executive Director of the Center, spoke to the four classes of Mr. Al Riesenberg at Sycamore High School on the subject of "Student Rights and Responsibilities."

At the request of Ms. Shirley Sibert, the Center arranged for Sgt. Milton Dills, Cincinnati Police Division, and Mr. Leon Render, Attorney-at-Law, to discuss their roles in the criminal justice system with students and parents at Columbian School on March 13th.

On March 18th, two representatives from the Vedenta House spoke to the students of Mr. Jim Tewel, Hughes High School, on the topic of "Drug Abuse."

Assistant Prosecutor, Merlyn Shiverdecker, met with the classes of Mr. Mel Brown, Princeton High School, and discussed "The Role of a Prosecutor" on March 19th.

At the request of Ms. Carol Wipperman of St. John the Baptist School, the Center arranged for Mr. Robert Liebman, Attorney-at-Law, Mr. Timothy Hickey, Attorney-at-Law, and Patrolman Roland Harrison, to speak on March 21st to approximately one hundred (100) students on the topic of "Juvenile Law."

Mr. Samuel Edge, Deputy Director of Probations, spoke with the classes of Mr. James Martin, Colerain High School, on March 24th, regarding the "Correctional Programs: Alternatives to Incarceration."

On March 24th, Patrolmen Wendell Young and Roland Harrison, Cincinnati Police Division, visited with the classes of Mr. Louis O'Neil at St. Saviour School, and discussed "The Role of a Police Officer."

On March 25th, F.B.I. Special Agent Donald R. Norie, visited with the tenth-grade classes of Mr. Jim Tewel, Hughes High School, and discussed "The Role of the F.B.I."

Arrangements were made for twelfth-grade government students of Mr. Edward Beck, Milford High School, to visit the Hamilton County Municipal Courts on March 26th.

Mr. James Liggins, an ex-convict from the 7th Step Foundation, met with the high school students of Mr. Joe Voegele at Aiken High School and discussed "Prison Life" on March 27th.

Arrangements were made for the students of Mr. Robert Sarsfield, Aiken High School, to tour the Hamilton County Municipal Court on March 27th.

The Center extends special thanks to Mr. W. Scott Brown who arranged classroom visitations to the federal courts, Mr. Phillip Muldoon who performed the same function for Municipal Courts, and to Mr. Barry Ross who arranged for classroom visitations by Hamilton County Municipal Court Judges.

The Center will continue to offer this service to all Cincinnati and Hamilton County elementary and secondary school educators during the remainder of the 1974-75 as well as the 1975-76 school year. A teacher or school administrator may make use of the Center's Resource Program by following the procedures outlined below:

Classroom Visitation-Field Trip Services:

- — Call the Center at 475-3982—8:00 a.m. - 5:00 p.m. weekdays.
- — State the kind of service you would like and the area of law in which you are involved.
- — The Center's staff, whenever possible, will attempt to complete the program arrangements within three days of your request.
- — Please plan at least two to three weeks prior to the date you would like the program to be conducted.

RECENT SUPREME COURT DECISIONS

STUDENT RIGHTS: Wood v. Strickland
[February 25, 1975]

Sixteen-year-old Peggy Strickland was one three tenth-graders at Mena High School in Arkansas who decided to "spike" a punch that was to be served at an extra-curricular school organization meeting to be attended by both parents and students. She and her friends purchased two twelve-ounce bottles of a malt liquor which they mixed with several bottles of a soft drink and served this mixture as punch at the meeting without apparent effect.

Ten days later, a teacher, having heard something about the "spiking", questioned the girls about it. After first denying any involvement, the girls admitted what they had done when the teacher said she would handle the punishment herself. Next day, however, the teacher told the girls the incident was becoming the talk of the school and strongly suggested that they go to the principal and confess. They did and the principal suspended them for a two-week period, subject to a decision by the school board.

Meeting that night, the school board voted to expel the girls for the remainder of the semester, a period of approximately three months. The board held another meeting two weeks later, this time with the girls, their parents and counsel in attendance. The girls admitted mixing the malt liquor with the punch and the board voted not the change their original decision.

The girls brought suit claiming that their rights to due process under the Fourteenth Amendment had been infringed upon by their expulsion on the grounds of a school regulation prohibiting the use or possession of intoxicating beverages at school activities. They asked for damages against the school board members who had expelled them as well as for reinstatement in school. The school board denied the charges and argued that they were immune from having to pay any damages.

Justice White delivered the opinion of a sharply divided (5-4) Court. The Court held that since the girls admitted the act, "it is not the role of the federal courts to set aside decisions of school administrators which the Court may view as lacking a basis in wisdom or compassion—only to question those which rise to the level of violations of specific constitutional guarantees."

The Court, however, devoted considerable attention to the question of immunity. In an extensive discussion of that subject, it held that school officials have an obvious need for prompt action when confronted with student behavior causing or threatening disruption and observed that:

> decisions must be made in reliance on factual information supplied by others....School board members, among other duties, must judge whether there have been violations of school regulations and, if so, the appropriate sanctions for the violations. Denying any measure of immunity in these circumstances would contribute not to principled and fearless decision-making but to intimidation.

Hence, the majority concluded that "there must be a degree of immunity if the work of the schools is to go forward" and suggested that "action taken in the good-faith fulfillment of their responsibilities and within the bounds of reason under all circumstances will not be punished."

But, the Court held that a school board member does not have absolute immunity for:

> a school board member is not immune from liability from damages...if he knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the student affected, or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury to the student....A compensatory award will be appropriate only if the school board member has acted with such impermissible motivation or with such disregard of the student's clearly established constitutional rights that his action cannot reasonably be characterized as being in good faith.

In a minority opinion written by Justice Powell, to which Chief Justice Burger and Justices Blackmun and Rehnquist concurred, the minority suggested "the holding of the Court on the immunity issue....would impose personal liability on a school official who acted sincerely and in the utmost good faith, but who was found—after the fact—to have acted in ignorance...of settled, indisputable law." How, the minority asked, are lay school officials to know about the law and constitutional rights? They observed, "One need only look to the decisions of the Court—to our reversals, our recognition of evolving concepts, and our five-to-four splits—to recognize the hazard of even informed prophesy as to what are 'unquestioned constitutional rights.'" They suggested:

> the correct standard for qualified immunity of a government official [is] whether in light of the discretion and responsibilities of his office, and under all of the circumstances as they appeared at the time, the officer acted reasonably and in good faith.

The Court minority concluded their dissent by noting that this decision which enhances the possibility of personal liability leads one to "wonder whether qualified persons will continue in the desired numbers to volunteer for service in public education."

RIGHT TO PRIVACY v. FREEDOM OF THE PRESS: Cox Broadcasting Corporation v. Cohn [March 3, 1975]

In August 1971, Mr. Cohn's seventeen-year-old daughter was the victim of a rape and did not survive the incident. Six youths were indicted for murder and rape. Eight months later the six defendants appeared in court and five of them pled guilty to rape or attempted rape, the charge of murder having been dropped. In the course of that day's proceedings, a local TV station reporter, Mr. Wassell, learned the name of the victim from an examination of indictments which were public records available for inspection and broadcast the deceased victim's name during a news report of the case.

Mr. Cohn brought suit for damages on the basis of a Georgia statute making it a misdemeanor to broadcast a rape victim's name. He claimed that his right to privacy had been invaded by the broadcast of his daughter's name. The broadcasting corporation argued that the broadcasts were protected by the First and Fourteenth Amendments regardless of the Georgia statute cited.

In an eight-to-one decision written by Justice White, the Supreme Court found that the state could not impose penalties on the accurate publication of a rape victim's name when the name was obtained from judicial records maintained in connection with a public prosecution and open to public inspection. The Court maintained that:

> The commission of crime, prosecutions resulting from it, and judicial proceedings arising from the prosecutions,...are without question events of legitimate concern to the public and consequently fall within the responsibility of the press to report the operations of government.

It added:

> Public records by their very nature are of interest to those concerned with the administration of government, and a public benefit is performed by the reporting of the true contents of the records by the media. The freedom of the press to publish that information appears to us to be of critical importance to our type of government in which the citizenry is the final judge of the proper conduct of public business. The First and Fourteenth Amendments command nothing less than that the States may not impose sanctions for the publication of truthful information contained in official Court records open to public inspection.
>
> We are reluctant to embark on a course that would make public records generally available to the media but forbid their publication if offensive to the sensibilities of the supposed reasonable man.

Hence, the Court concluded, "Once true information is disclosed in public court documents open to public inspection, the press cannot be sanctioned for publishing it."

FREEDOM OF EXPRESSION: Southeastern Promotions Ltd. v. Conrad [March 18, 1975]

Southeastern Productions Limited, a New York corporation engaged in the business of promoting theatrical productions, applied for the use of a private theater under a long term lease by the city of Chattanooga, Tennessee, to present the rock musical "Hair" there for six days. This was to be a road company showing of the musical that had played for three years on Broadway and appeared in over 140 American cities. Even though there was no conflicting engagement scheduled for the theater, the directors of Chattanooga's municipal theater board, after a brief discussion, voted to reject the presentation as not being "in the best interest of the community." None of them had seen the play or read the script, but they had heard that the musical involved nudity and obscenity on stage. Southeastern Promotions brought suit against the board on the basis that its First Amendment right to free speech and expression had been abridged by unlawful prior restraint.

Arguing "that the danger of censorship and of abridgement of our precious First Amendment freedoms is too great where officials have unbridled discretion over a forum's use," the Supreme Court, in a five-to-four opinion delivered by Justice Blackmun, held that the board's refusal to let Southeastern Promotions use the publicly-controlled theater "accomplished a prior restraint under a system lacking in constitutionally required minimal procedural safeguards."

The Court carefully pointed out that prior restraints were not unconstitutional per se and that it rejected the contention that the First Amendment's protection "includes complete and abolute freedom to exhibit, at least once, any and every kind of motion picture...even if this film contains the basest type of pornography, or incitement to riot, or forceful overthrow of orderly government." But, it declared that any system of prior restraint "comes to this Court bearing a heavy presumption against its constitutional validity."

The board's discretion effectively kept the musical off stage. They did not permit the show to go on and rely on law enforcement authorities to prosecute for anything illegal which occurred but rather denied Southeastern Promotions' petition in anticipation that the production would violate obscenity laws. Hence, the Court concluded:

> The perils of prior restraint are well illustrated by this case, where neither the Board nor the lower courts could have known precisely the extent of nudity or simulated sex in the musical, or even that either would appear, before the play was actually performed.

Furthermore, the Court held that when prior restraint is used, it must adhere to certain safeguards, such as:

> First, the burden of instituting judicial proceedings, and of proving that the material is unprotected, must

rely on the censor. Second, any restraint prior to judicial review can be imposed only for a specified brief period and only for the purpose of preserving the status quo. Third, a prompt final judicial determination must be assured.

These were not provided in this case for the Court held that the board's system did not provide for prompt judicial review. Judicial review was not obtained until five months later and "throughout, it was petitioner [Southeastern Promotions], not the board, that bore the burden of obtaining judicial review." Consequently, the Court concluded, "the delay and uncertainty inevitably discouraged use of the forum."

EQUALITY: Weinberger v. Wisenfeld [March 18, 1975]

Stephen Wisenfeld and Paula Polotschek were married on November 5, 1970. Paula, who worked as a teacher for five years before her marriage, continued teaching after her marriage. Each year she worked, maximum social security contributions were deducted from her salary. Paula's earnings were the couple's principal source of support during the marriage, being substantially larger than those of her husband.

On June 5, 1972, Paula died in childbirth. Her husband was left with the sole responsibility for the care of their infant son, Jason Paul. Shortly after his wife's death, Stephen applied at the Social Security office in New Brunswick, New Jersey, for social security survivor's benefits for himself and his son. He received benefits for his son, Jason, but none for himself. If he had been a woman, he would have received the same amount as his son as long as he was not working. However, the Social Security Act made survivors benefits available only to a surviving mother. Stephen filed suit seeking a declaration that the Social Security Act is unconstitutional because it violates the Due Process Clause of the Fifth Amendment to the extent that it treats men and women differently by denying benefits to men solely on the basis of sex.

In an opinion by Justice Brennan with no dissenters, the Supreme Court found that this gender-based distinction was premised on an archaic and overbroad generalization which could not be tolerated under the Constitution. The Court opined,

> Obviously the notion that men are more likely than women to be the primary supporters of their spouses and children is not entirely without empirical support. But such a gender-based generalization cannot suffice to justify the denigration of the efforts of women who do work and whose earnings contribute significantly to their families' support.

The Court held that the Social Security Act operates to deprive women of protection for their families which men receive as a result of their employment and subsequent social security contributions. Since Paula had social security taxes deducted from her salary when she worked,

> she not only failed to receive for her family the same protection which a similarly situated male worker would have received, but she also was deprived of a portion of her own earnings in order to contribute to the fund out of which benefits would be paid to others.

Hence, the Court concluded that the Consitution forbids sex-based discrimination that results in women's efforts producing less protection for their families than those of men where both are required to pay social security taxes.

The Court pointed out that the purpose of the U.S. Congress in providing benefits to young widows with children was not to protect women who, because of economic discrimination, were unable to provide for themselves. Rather it was to permit women to choose not to work in order to devote themselves to the care of children, and, more broadly, to provide children deprived of one parent with the opportunity for the personal attention of the other. Consequently, the Court ruled.

> Given the purpose of enabling the surviving parent to remain at home to care for a child, the gender-based distinction...is entirely irrational. The classification discriminates among surviving children solely on the basis of the sex of the surviving parent.... The fact that a man is working while there is a wife at home does not mean that he would, or should, be required to continue to work if his wife dies. It is no less important for a child to be cared for by its sole surviving parent when that parent is male rather than female.

Thus, the Court held that by providing dissimilar treatment for men and women who are similarly situated, the challenged section is violative of the Due Process Clause of the Fifth Amendment to the Constitution.

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